

Representative Hall, Atlanta, Georgia**Friday, February 26, 2016****Twenty-Ninth Legislative Day**

The House met pursuant to adjournment at 9:30 o'clock, A.M., this day.

The House stood at ease.

The Speaker called the House to order.

The roll was called and the following Representatives answered to their names:

Abrams	Coleman	Gravley	McClain	Shaw
Alexander	Cooke	Greene	Meadows	Sims
Allison	Coomer	Harden	Metze	Smith, E
Atwood	Cooper	Harrell	Mitchell	Smith, L
Ballinger	Corbett	Hatchett	Morris	Smith, M
Barr	Dawkins-Haigler	Hawkins	Nimmer	Smith, R
Battles	Deffenbaugh	E Henson	Nix	Spencer
Beasley-Teague	Dempsey	E Hightower	E Oliver	Stephens, M
Belton	Dickerson	Hitchens	Pak	Stephens, R
E Bennett, K	Dickey	Holcomb	Parrish	Stovall
Bennett, T	Dickson	Holmes	Parsons	E Stover
Bentley	Dollar	Houston	E Peake	Strickland
Benton	Douglas	Howard	Petrea	Tankersley
Beskin	Drenner	Hugley	Pezold	Tanner
Beverly	E Dudgeon	E Jackson	Pirkle	Tarvin
Blackmon	Dukes	Jasperse	Powell, A	E Taylor, D
Broadrick	Dunahoo	Jones, J	Powell, J	Taylor, T
Brockway	Duncan	Jones, J.B.	Price	Teasley
Bruce	Ealum	E Jones, L	Prince	Thomas, A.M.
E Bryant	Efstration	Jones, S	Pruett	Thomas, E
Buckner	Ehrhart	E Jordan	Quick	Trammell
Burns	England	Kaiser	Raffensperger	Turner
Caldwell, J	Epps	Kelley	Rakestraw	Waites
Caldwell, M	Evans	Kendrick	Ramsey	Watson
E Cannon	Fleming	Kidd	E Randall	Welch
Cantrell	E Floyd	Knight	Reeves	Werkheiser
Carson	Fludd	LaRiccica	Rhodes	Wilkerson
E Carter, A	Frazier	Lott	Rice	Wilkinson
E Carter, D	Frye	Lumsden	Rogers, C	Willard
Casas	Gardner	Mabra	Rogers, T	Williams, A
Chandler	Gasaway	E Marin	Rutledge	Williams, C
Cheokas	Gilligan	E Martin	Rynders	Williams, E
E Clark, D	Glanton	Maxwell	Scott	Williamson
Clark, H	Golick	Mayo	Setzler	Yates
Clark, V	Gordon	McCall	Sharper	Ralston, Speaker

The following members were off the floor of the House when the roll was called:

Representatives Kirby of the 114th, Mosby of the 83rd, Smyre of the 135th, Stephenson of the 90th, and Weldon of the 3rd.

They wished to be recorded as present.

Prayer was offered by Reverend Dr. Carol E. Dixon, Kainos Ministries International, Atlanta, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following communication was received:

House of Representatives
District 53

February 26, 2016

Mr. Reilly:

On Feb. 25, 2016, I was not present on the House Floor during the roll call. It was necessary that I handle some matters outside the chamber.

Please count me as present.

Thank you,

/s/ Sheila Jones

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bill and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1097. By Representatives Yates of the 73rd, Fludd of the 64th, Mabra of the 63rd and Ramsey of the 72nd:

A BILL to be entitled an Act to amend an Act providing for the compensation and expenses of the chairperson and members of the Board of Education of Fayette County, approved March 30, 1993 (Ga. L. 1993, p. 4308), so as to increase the compensation of the chairperson and members of the Fayette County Board of Education; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1526. By Representatives Spencer of the 180th and Corbett of the 174th:

A RESOLUTION honoring the life of Mr. Colquitt George "C.G." Russell and dedicating an interchange in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1527. By Representative Parsons of the 44th:

A RESOLUTION encouraging the enactment of a Regulation Freedom Amendment to the Constitution of the United States by the United States Congress; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 1528. By Representative McCall of the 33rd:

A RESOLUTION honoring the life of Mr. Jesse Rouse and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1093	HB 1094
HB 1095	HB 1096
HR 1508	HR 1509
HR 1510	HR 1511
HR 1512	HR 1513
HR 1523	HR 1524
HR 1525	SB 312
SB 350	SR 558

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1002	Do Pass	HB 1056	Do Pass
HB 1067	Do Pass	HB 1074	Do Pass
HB 1081	Do Pass	HB 1082	Do Pass
HB 1083	Do Pass		

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

Representative Coomer of the 14th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1052 Do Pass, by Substitute

Respectfully submitted,
/s/ Coomer of the 14th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
FRIDAY, FEBRUARY 26, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 1084 State Soil and Water Conservation Commission; measuring farm and agriculture uses of water; eliminate certain powers and duties (App-Houston-170th)

Modified Open Rule

HB 654 Tattoo studios; post notification that certain tattoos could disqualify wearer from military service; require (Substitute)(RegI-Scott-76th)
HB 749 State government; councils to meet by teleconference or similar means; authorize (SP&CA-Werkheiser-157th)
HB 962 Human Services, Department of; creation, appointment, removal, and duties of a kinship care enforcement administrator; provide (Substitute)(JuvJ-Abrams-89th)
HB 1085 Social services; aging; transfer oversight of such services to the Department of Community Health (App-Dempsey-13th)

Modified Structured Rule

HB 498 Professions and businesses; professional counseling; revise definition (Substitute)(RegI-Hawkins-27th)

- HB 508 Appellate court judges; age of eligibility for certain benefits; decrease (Ret-Fleming-121st)
- HB 736 Special license plates; marine habitat conservation; provide (Substitute)(MotV-Atwood-179th)(AM 39 0153)
- HB 887 Courts; parental rights; prioritize placement of a child with an adult or fictive kin qualified to care for such child (Substitute) (JuvJ-Efstration-104th)
- HB 926 Pharmacists and pharmacies; regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; provide (Substitute)(H&HS-Broadrick-4th)
- HB 954 "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"; enact (Substitute)(H&HS-Efstration-104th)
- HB 959 Education; K-12; update and clarify certain provisions (Substitute) (Ed-Beskin-54th)
- HB 979 Crimes and offenses; assault and battery; increase the punishment committed upon hospital emergency department and medical services personnel (JudyNC-Caldwell-131st)
- HB 1053 Grady County; board of education; provide that members shall be elected on a nonpartisan basis (IGC-Taylor-173rd)

Structured Rule

- HB 893 Revenue and taxation; forms of payment; change certain provisions (W&M-Powell-171st)
- HB 899 Commerce and trade; tobacco product manufacturers; revise and add certain definitions (Substitute)(W&M-Powell-171st)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

- HB 1002. By Representatives Fludd of the 64th, Jones of the 62nd, Mabra of the 63rd and Waites of the 60th:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum for the electors of the City of College Park regarding airport noise issues; to provide for legislative purpose; to provide for procedures and

requirements relating thereto; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1056. By Representative Jasperse of the 11th:

A BILL to be entitled an Act to amend an Act creating the Pickens County Airport Authority, approved April 19, 2006 (Ga. L. 2006, p. 3645), so as to reduce the number of members; to revise the appointment and qualifications of members; to revise the election of chairperson; to revise terms by which a vacancy on the authority shall exist; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1067. By Representative Rhodes of the 120th:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for Greene County, approved May 16, 2007 (Ga. L. 2007, p. 3602), so as to provide for an election supervisor; to provide for the qualifications, appointment, compensation, duties, and employment of said election supervisor; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1074. By Representatives Reeves of the 34th, Carson of the 46th, Dollar of the 45th, Setzler of the 35th, Evans of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, so as to change the compensation of the judges of the state court; to authorize the governing authority of Cobb County to make payments to the Trial Judges and Solicitors Retirement Fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1081. By Representative Williamson of the 115th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Jersey, approved March 22, 1990 (Ga. L. 1990, p. 4484), so as to change the terms of the members of the governing authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1082. By Representative Greene of the 151st:

A BILL to be entitled an Act to provide a new charter for the City of Blakely; to provide for other matters relative to the foregoing; to provide a specific repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1083. By Representatives Houston of the 170th, Pirkle of the 155th and Watson of the 172nd:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971 (Ga. L. 1971, p. 2468), so as to change the office of the solicitor of the state court to a full-time position; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Stephenson

E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bills, the ayes were 153, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

House of Representatives
Coverdell Legislative Office Building, Room 512
Atlanta, Georgia 30334

February 26, 2016

Mr. Bill Reilly
Clerk of the House
309 State Capitol
Atlanta, GA 30334

Dear Clerk Bill Reilly,

Today I arrived after the roll call but prior to the local calendar. When I attempted to vote my E was still on the board. I wanted to vote yes for that calendar. Please have the official record, record my correct vote.

Thank you,

/s/ LaDawn Blackett Jones
State Representative, District 62

House of Representatives
State Capitol, Room 218
Atlanta, Georgia 30334

February 26, 2016

Mr. William Reilly
Clerk of the Georgia House of Representatives
309 State Capitol
Atlanta, Georgia 30334

Dear Mr. Clerk,

Earlier today I erred in voting in favor of the Local Calendar. It had been my intent to recuse myself from voting on the Local Calendar due to a personal conflict related to HB 1074. I ask that you please insert this statement into the House Journal as appropriate.

Thank you,

/s/ Rich Golick
Rep. Rich Golick

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be

reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 302. By Senators Martin of the 9th, Burke of the 11th, Unterman of the 45th, Watson of the 1st and Parent of the 42nd:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to require health carriers to maintain accurate provider directories; to provide for definitions; to provide for electronic and printed provider directories; to require certain information in provider directories; to grant enforcement authority to the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 331. By Senators Thompson of the 14th, Hill of the 32nd, Cowsert of the 46th, McKoon of the 29th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 15-11-2 and Title 19 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code and domestic relations, respectively, so as to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for terminating parental rights; to revise definitions; to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for losing parental rights and is relevant in certain adoption proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 365. By Senators Shafer of the 48th, Cowsert of the 46th, Millar of the 40th, Wilkinson of the 50th, Harper of the 7th and others:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects, causes, agencies, or nonprofit corporations, so as to establish a specialty license plate for the Georgia Pet Foundation; to provide for related matters; to require a two-thirds' majority vote for passage in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

- SB 367. By Senators Kennedy of the 18th, Miller of the 49th, Dugan of the 30th, Jones of the 25th, Kirk of the 13th and others:

A BILL to be entitled an Act to provide for comprehensive reform for offenders entering, proceeding through, and leaving the criminal justice

system so as to promote an offender's successful reentry into society, benefit the public, and enact reforms recommended by the Georgia Council on Criminal Justice Reform; to repeal conflicting laws; and for other purposes.

SB 388. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to prohibit the removal of a sticker without authorization; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 419. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup, in and for the County of Wayne), approved July 31, 1916 (Ga. L. 1916, p. 248), as amended, particularly by an Act approved April 28, 2001 (Ga. L. 2001, p. 4563), so as to change the salary of the judge and solicitor; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 748. By Representatives Taylor of the 173rd, Carter of the 175th and Watson of the 172nd:

A BILL to be entitled an Act to authorize the Magistrate Court of Thomas County to impose and collect county law library fees as part of the court costs in the magistrate court; to provide for practices and procedures connected therewith; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 888. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to transfer probation and intake services of the Juvenile Court of Upson County to the Georgia Department of Juvenile Justice pursuant to Code Section 15-11-69 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 932. By Representatives Taylor of the 173rd, Carter of the 175th and Watson of the 172nd:

A BILL to be entitled an Act to authorize the governing authority of Thomas County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 967. By Representatives Epps of the 144th, Peake of the 141st and Dickey of the 140th:

A BILL to be entitled an Act to amend an Act entitled "Macon Water Commissioners - Pension Plan," approved December 30, 1953 (Ga. L. 1953, p. 2831), as amended, particularly by an Act approved May 1, 2012 (Ga. L. 2012, p. 5637), so as to modify provisions related to termination of employment before retirement; to modify provisions related to direct rollovers; to repeal conflicting laws; and for other purposes.

HB 1007. By Representative Powell of the 171st:

A BILL to be entitled an Act to provide a new charter for the City of Pelham; to provide for incorporation, boundaries, and property of the city; to provide for other matters relative to the foregoing; to provide a specific repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1019. By Representative Caldwell of the 131st:

A BILL to be entitled an Act to authorize the Magistrate Court of Upson County to impose and collect county law library fees as part of the court costs in the magistrate court; to provide for practices and procedures connected therewith; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 258. By Senators Millar of the 40th and Albers of the 56th:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to creation of county boards of equalization, duties, review of assessments, and appeals, so as to provide that the assessed value of property for a taxable year shall not be increased beyond the initial assessment value established by the board of tax assessors during an appeal of such valuation for such taxable year by the taxpayer but may be reduced as a result of the appeal of the taxpayer; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- SB 302. By Senators Martin of the 9th, Burke of the 11th, Unterman of the 45th, Watson of the 1st and Parent of the 42nd:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to require health carriers to maintain accurate provider directories; to provide for definitions; to provide for electronic and printed provider directories; to require certain information in provider directories; to grant enforcement authority to the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

- SB 331. By Senators Thompson of the 14th, Hill of the 32nd, Cowsert of the 46th, McKoon of the 29th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 15-11-2 and Title 19 of the Official Code of Georgia Annotated, relating to definitions for the Juvenile Code and domestic relations, respectively, so as to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for terminating parental rights; to revise definitions; to provide that causing a child to be conceived as a result of violating certain prohibitions relating to certain offenses is an additional ground for losing parental rights and is relevant in certain adoption proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 365. By Senators Shafer of the 48th, Cowsert of the 46th, Millar of the 40th, Wilkinson of the 50th, Harper of the 7th and others:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects, causes, agencies, or nonprofit corporations, so as to establish a specialty license plate for the Georgia Pet Foundation; to provide for related matters; to require a two-thirds' majority vote for passage in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

SB 367. By Senators Kennedy of the 18th, Miller of the 49th, Dugan of the 30th, Jones of the 25th, Kirk of the 13th and others:

A BILL to be entitled an Act to provide for comprehensive reform for offenders entering, proceeding through, and leaving the criminal justice system so as to promote an offender's successful reentry into society, benefit the public, and enact reforms recommended by the Georgia Council on Criminal Justice Reform; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 388. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend Article 3 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to bona fide coin operated amusement machines, so as to prohibit the removal of a sticker without authorization; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

SB 419. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend an Act establishing the State Court of Wayne County (formerly the City Court of Jesup, in and for the County of Wayne), approved July 31, 1916 (Ga. L. 1916, p. 248), as amended, particularly by an Act approved April 28, 2001 (Ga. L. 2001, p. 4563), so as to change the salary of the judge and solicitor; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Williams of the 87th, Knight of the 130th, Smith of the 134th, and Thomas of the 39th et al.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 749. By Representatives Werkheiser of the 157th, Greene of the 151st, Harrell of the 106th, Dudgeon of the 25th, Teasley of the 37th and others:

A BILL to be entitled an Act to amend Code Section 50-8-34 of the Official Code of Georgia Annotated, relating to councils of regional commissions, membership, terms of membership, voting, officers, and powers, so as to authorize such councils to meet by teleconference or similar means; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 152, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 1084. By Representatives Houston of the 170th, England of the 116th, Watson of the 172nd, Shaw of the 176th and Efstoration of the 104th:

A BILL to be entitled an Act to amend Code Section 2-6-27 of the O.C.G.A., relating to additional duties and powers of the State Soil and Water Conservation Commission, so as to eliminate certain powers and duties of such commission relative to measuring farm and agricultural uses of water; to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to substitute the State Forestry Commission for the State Soil and Water Conservation Commission with regard to certain powers and duties relative to measuring farm and agricultural uses of water; to change certain provisions relating to the powers of the director of the State Forestry Commission concerning the adoption of rules and regulations and methods of administration; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	N Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser

E Carter, A	Y Frye	N Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 150, nays 5.

The Bill, having received the requisite constitutional majority, was passed.

HB 893. By Representatives Powell of the 171st, Battles of the 15th, Stephens of the 164th, Duncan of the 26th, Knight of the 130th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to administration of revenue and taxation, so as to change certain provisions regarding forms of payment; to lower the threshold for requiring electronic payment of sales taxes, withholding taxes, and motor fuel distributor taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	E Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell

Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 155, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 979. By Representatives Caldwell of the 131st, Cooper of the 43rd, Golick of the 40th, Atwood of the 179th, Lott of the 122nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery and related offenses against persons, so as to increase the punishment for aggravated assault and aggravated battery committed upon hospital emergency department personnel and emergency medical services personnel; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	E Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	N Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner

Y Beverly	Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Broadrick	Y Duncan	N Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efrstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 147, nays 6.

The Bill, having received the requisite constitutional majority, was passed.

HB 959. By Representatives Beskin of the 54th, Dudgeon of the 25th, Coleman of the 97th, Nix of the 69th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and clarify certain provisions relating to K-12 education; to revise a provision relating to conflicts of interest of local board of education members; to provide that students who earn certain grades in dual enrollment courses in core subjects are exempt from taking end-of-course assessments for such courses; to authorize the sharing of data for certain program evaluation purposes; to provide for an annual review of tuition for the Georgia Virtual School; to eliminate a restriction on the Office of Student Achievement's authority to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to update and clarify certain provisions relating to K-12 education; to revise a provision relating to conflicts of interest of local board of education members; to provide that students who earn certain grades in dual enrollment courses in core subjects are exempt from taking end-of-course assessments for such courses; to authorize the sharing of data for certain program evaluation purposes; to eliminate a restriction on the Office of Student Achievement's authority to establish a nonprofit corporation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amending in Code Section 20-2-63, relating to prohibiting certain conflicts of interest of board members, by revising paragraph (6) of subsection (a) as follows:

"(6) No local board of education member shall be prohibited from:

(A) Making ~~making~~ an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or his or her immediate family member in return therefor;

(B) Discussing any nonconfidential matters with a constituent;

(C) Attending or conducting a town hall meeting; or

(D) Discussing any nonconfidential matter with representatives of the media."

SECTION 2.

Said title is further amended in Code Section 20-2-149.2, relating to awarding of high school diploma for completion of postsecondary programs, by revising subsection (a) as follows:

"(a) A local board of education may award a high school diploma to a student enrolled in coursework pursuant to Code Section ~~20-2-159.5~~ 20-2-161.3 who:

(1) Completes rigorous coursework at a postsecondary institution which meets the requirements in paragraph (7) of Code Section 20-3-519;

(2) Has completed at least the following state required ~~ninth and tenth grade level~~ high school courses: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281;

(3) Receives a score of admission acceptable on the readiness assessment required by the postsecondary institution; and

(4) Completes: (i) an associate degree program; (ii) a technical college diploma program and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field; or (iii) at least two technical college certificate

of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia."

SECTION 3.

Said title is further amended in Code Section 20-2-161.3, relating to the "Move on When Ready Act," by revising paragraph (3) of subsection (f) as follows:

"(3) A participating eligible high school shall be required to award a high school diploma to any eligible high school student who is enrolled at or through an eligible postsecondary institution under the program as long as the credit earned at or through such postsecondary institution satisfies course requirements needed for the eligible high school student to complete high school graduation. The State Board of Education, in consultation with the State Board of the Technical College System of Georgia and the Board of Regents of the University System of Georgia, shall determine appropriate courses to meet these requirements. No later than July 1, 2015, the Department of Education shall communicate to high schools the subject area requirements or elective courses that may be satisfied with dual credit courses provided by eligible postsecondary institutions, which shall include completion of:

(A) At least the following state required ~~ninth and tenth grade level~~ high school courses or their equivalent: two English courses, two mathematics courses, two science courses, two social studies courses, and one health and physical education course; and any state required tests associated with any such courses unless exempt pursuant to paragraph (2) of subsection (f) of Code Section 20-2-281; and

(B) One of the following:

(i) An associate degree program;

(ii) A technical college diploma program and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field; or

(iii) At least two technical college certificate of credit programs in one specific career pathway and all postsecondary academic education and technical education and training prerequisites for any state, national, or industry occupational certifications or licenses required to work in the field as determined by the Technical College System of Georgia."

SECTION 4.

Said title is further amended by revising paragraph (3) of subsection (e) of Code Section 20-2-210, relating to annual performance evaluations, as follows:

"(3) The department may by agreement share individual data with the Office of Student Achievement for inclusion in the state-wide comprehensive educational information system created pursuant to Code Section 20-2-320 for the purposes of evaluating educational programs and of improving postsecondary educator

preparation so long as the office agrees that it will not disclose personally identifiable information about any public school employee."

SECTION 5.

Said title is further amended by revising subsections (f) and (j) of Code Section 20-2-281, relating to student assessments, as follows:

"(f)(1) The State Board of Education shall adopt end-of-course assessments for students in grades nine through 12 for all core subjects to be determined by the state board. For those students with an Individualized Education Program, each such student's Individualized Education Program team shall identify necessary accommodations in accordance with the federal Individuals with Disabilities Education Act and state board regulations.

(2) Students who earn a grade of A, B, or C in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3 in a core subject for which an end-of-course assessment is required pursuant to paragraph (1) of this subsection shall be exempt from taking the end-of-course assessment for such core subject course."

"(j) The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given; provided, however, that this shall not apply to students who earn a grade of A, B, or C in a dual credit course pursuant to Code Section 20-2-149.2 or 20-2-161.3 in a core subject for which an end-of-course assessment is required pursuant to subsection (f) of this Code section."

SECTION 6.

Said title is further amended by revising subsection (b) of Code Section 20-14-26.1, relating to authority of the Office of Student Achievement to incorporate a nonprofit corporation as a public foundation, as follows:

"(b) Any nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(2) Upon dissolution of any such nonprofit corporation incorporated by the office, any assets shall revert to the office or to any successor to the office or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the office;

(4) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The office shall not be liable for the action or omission to act of any such nonprofit corporation; and

(6) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state; and

~~(7) Any nonprofit corporation created pursuant to this Code section shall not acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange."~~

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A

Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 962. By Representatives Abrams of the 89th, Dempsey of the 13th, Benton of the 31st, Hugley of the 136th, Sharper of the 177th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Services generally, so as to provide for the creation, appointment, removal, and duties of a kinship care enforcement administrator; to provide a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Services generally, so as to provide for the creation, appointment, and duties of a kinship care enforcement administrator; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Human Services generally, is amended by adding a new subsection to Code Section 49-2-1, relating to department created, transfer of powers, functions, and duties of Department of Human Resources to Department of Human Services, creation, appointment, removal, and duties of commissioner of human services, to read as follows:

"(c)(1) As used in this subsection, the term:

(A) 'Fictive kin' has the same meaning as set forth in Code Section 15-11-2.

(B) 'Kinship caregiver' means a grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of a child under the age of 18 or fictive kin who has assumed

responsibility for raising such child in an informal, noncustodial, or guardianship capacity upon the legal parents of such child losing or abdicating the ability to care for or provide basic necessities for such child.

(2) There is created the position of kinship care enforcement administrator within the Department of Human Services who shall be appointed by and serve at the discretion of the commissioner of human services. The kinship care enforcement administrator shall account for, monitor, facilitate, and ensure compliance with all laws, rules, and regulations of the federal government and this state which relate to any programs, including, but not limited to, any pilot programs, subsidies, or benefits, available to kinship caregivers or the children within their care."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Willard

Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1085. By Representatives Dempsey of the 13th, England of the 116th, Parrish of the 158th, Cooper of the 43rd, Hatchett of the 150th and others:

A BILL to be entitled an Act to amend Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the aging, so as to transfer the oversight of such services to the Department of Community Health; to provide for the department to establish a community care unit within the Division of Medical Assistance; to delete certain provisions related to the implementation of a community care system; to provide for an annual community care plan to be incorporated into the State Plan for Medical Assistance; to change references to agency to department; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efrstration	E Jordan	Y Pruett	Y Thomas, A.M.

E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 498. By Representatives Hawkins of the 27th, Maxwell of the 17th, Chandler of the 105th, Clark of the 101st, Taylor of the 173rd and others:

A BILL to be entitled an Act to amend Code Section 43-10A-3 of the Official Code of Georgia Annotated, relating to definitions relative to professional counselors, social workers, and others, so as to revise the definition of "professional counseling"; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to clarify that persons licensed as professional counselors, social workers, and marriage and family therapists are not authorized to conduct psychological testing; to provide for legislative findings and intent; to clarify that psychological testing is part of the practice of psychology; to provide that certain licensed persons are able to perform certain tests other than psychological testing; to revise definitions; to amend Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to the general provisions governing and regulating mental health, so as to conform a cross-reference; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that the mental health and wellness needs of Georgia's citizens require the availability of trained mental health professionals who can accurately diagnose, treat, prescribe, and appropriately assess the mental and emotional illnesses, disorders, and conditions from which they suffer and the vocational, educational, interpersonal, and intrapersonal needs essential to living and learning how to live productive and useful lives. It is the intent of the General Assembly to assure geographical and financial access for all of Georgia's citizens to excellent mental health services to the extent that Georgia's resources and regulations permit. To these ends, Georgia regulates its licensed psychiatrists, psychologists, professional counselors, marriage and family therapists, and clinical social workers who provide graduate level professional services to Georgia's private and public mental health services and to its public mental health, educational, and vocational support systems. The General Assembly seeks in such regulatory process to protect the public and assure it receives high quality and appropriate services and to define the scopes of practice and diagnostic authority for each of these professional groups consistent with the graduate level training and supervision, or its equivalent, that the members of each profession have sought and successfully completed. The General Assembly has empowered and authorized the Georgia Composite Medical Board, the State Board of Examiners of Psychologists, and the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists to fulfill these responsibilities and expects them to work together to assure a continuum of professional services that ensure appropriate diagnostic and assessment functions for each profession and the psychotherapeutic and counseling treatment services appropriate to each profession. The General Assembly recognizes that advances in medicine, science, education, training, and service delivery occur constantly in our modern history and therefore also expects the regulatory boards for each profession to assure that its licensees seek and successfully complete appropriate continuing education and training for the functions and services authorized to each profession.

SECTION 2.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-10A-3, relating to definitions relative to professional counselors, social workers, and others, by revising paragraph (10) as follows:

"(10) 'Professional counseling' means that specialty which utilizes counseling techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns; utilizes counseling and psychotherapy to evaluate, diagnose, treat, and recommend a course of treatment for emotional and mental problems and conditions, whether cognitive, behavioral, or affective, provided that the counselor

shall have graduate level education, training, and supervised experience, or its equivalency, working with people with mental illness, developmental disability, or substance abuse; administers and interprets educational and vocational assessment instruments and other tests which the professional counselor is qualified to employ by virtue of education, training, and experience; utilizes information, community resources, and goal setting for personal, social, or vocational development; utilizes individual and group techniques for facilitating problem solving, decision making, and behavior change; utilizes functional assessment and vocational planning and guidance for persons requesting assistance in adjustment to a disability or disabling condition; utilizes referral for persons who request counseling services; performs service planning; and utilizes and interprets counseling research."

SECTION 3.

Said title is further amended by revising Code Section 43-10A-22, relating to restrictions on scope of practice relative to professional counselors, social workers, and marriage and family therapists, as follows:

"43-10A-22.

Nothing in this chapter shall be construed to authorize persons licensed under this chapter to practice nursing, occupational therapy, physical therapy, medicine, or psychology, as regulated under Chapters 26, 28, 33, 34, and 39, respectively, of this title nor shall anything in this chapter be construed to limit or regulate the practice of those licensed under ~~said~~ Chapters 26, 28, 33, 34, and 39 of this title, nor shall anything in this chapter be construed to authorize persons licensed under this chapter to perform psychological testing as defined in Code Section 43-39-1."

SECTION 4.

Said title is further amended by revising Code Section 43-39-1, relating to definitions relative to psychologists, as follows:

"43-39-1.

As used in this chapter, the term:

(1) 'Board' means the State Board of Examiners of Psychologists.

(2) 'Mental abilities' means abilities that are psychological in nature, as opposed to physical in nature. Mental abilities include but are not limited to intelligence, cognition, attention, concentration, memory, language, abstraction, creativity, and problem solving.

(3) 'Neuropsychological functioning' means the psychological manifestations of brain functioning. Neuropsychological functioning includes but is not limited to sensory motor functioning, attention, concentration, memory, language, abstraction, problem solving, visual-spatial ability, executive functioning, and personality.

~~(2)~~(4) 'Neuropsychology' means the subspecialty of psychology concerned with the relationship between the brain and behavior, including the diagnosis of brain pathology through the use of psychological tests and assessment techniques.

(5) 'Personality characteristics' means personality states, traits, attitudes, emotional conditions, self-image, and motivation.

(6) 'Psychological testing' means the use of assessment instruments to:

(A) Measure mental abilities, personality characteristics, or neuropsychological functioning; and

(B) Diagnose, evaluate, classify, or render opinions regarding mental and nervous disorders and illnesses, including, but not limited to, organic brain disorders, brain damage, and other neuropsychological conditions.

~~(3)~~(7) 'To practice psychology' means to render or offer to render to individuals, groups, organizations, or the public for a fee or any remuneration, monetary or otherwise, any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as including, but not limited to, diagnosing and treating mental and nervous disorders and illnesses; rendering opinions concerning diagnoses of mental disorders, including, but not limited to, organic brain disorders and brain damage; engaging in neuropsychology; engaging in psychotherapy; interviewing, administering, and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics, including, but not limited to, psychological testing, for such purposes as psychological classification or evaluation, or for education educational or vocational placement, or for such purposes as psychological counseling, guidance, or readjustment. When engaged in the practice of psychology, licensed psychologists may describe or label any testing, assessment, or evaluation they conduct within the scope of practice described in this Code section as 'psychological' in nature; provided, however, that any such description or labeling shall not be construed to alter the meaning of psychological testing as provided in paragraph (6) of this Code section and in paragraph (9) of Code Section 43-39-7. Nothing in this paragraph shall be construed as permitting the administration or prescription of drugs or in any way infringing upon or restricting the practice of medicine as defined in the laws of this state."

SECTION 5.

Said title is further amended by revising Code Section 43-39-7, relating to the practice of psychology without a license, use of psychologist title, and exceptions, by striking the word "and" at the end of paragraph (7), by replacing the period at the end of paragraph (8) with "; and", and by adding a new paragraph to read as follows:

"(9) Nothing in this chapter shall be construed as prohibiting any person licensed under Chapter 10A of this title from providing services he or she is authorized to perform under Chapter 10A of this title, including, but not limited to, administering and interpreting educational and vocational tests; functional assessments; interest inventories; tests that evaluate marital and family functioning; mental health symptom screening and assessment instruments that evaluate emotional, mental, behavioral, and interpersonal problems or conditions including substance use, health, and disability."

SECTION 6.

Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to the general provisions governing and regulating mental health, is amended by revising paragraph (17) as follows:

"(17) 'Psychologist' means any person ~~authorized under the laws of this state to practice as a licensed psychologist as set forth in paragraph (3) of Code Section 43-39-1~~ duly licensed to practice psychology in this state under Chapter 39 of Title 43."

SECTION 7.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Battles	Y Dempsey	Y Hitchens	E Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Broadrick	Y Duncan	Y Jones, L	N Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson

Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	E Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 150, nays 4.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Bruce Broadrick, Sr.
Georgia House of Representatives

Mr. Clerk,

Add me yes to HB 498

HB 508. By Representatives Fleming of the 121st, Atwood of the 179th, Weldon of the 3rd, Hightower of the 68th, Williams of the 87th and others:

A BILL to be entitled an Act to amend Code Section 47-2-244 of the Official Code of Georgia Annotated, relating to optional benefits available to appellate court judges, notice of election of benefits, eligibility for benefits, disability benefits and survivors benefits, so as to decrease the age of eligibility for certain benefits; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	E Hightower	Y Nix	Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland

Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	N Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstoration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	N Gasaway	E Marin	N Rutledge	Y Willard
Y Chandler	N Gilligan	N Martin	Rynders	Y Williams, A
Y Cheokas	Y Glanton	Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	E Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 141, nays 12.

The Bill, having received the requisite constitutional majority, was passed.

HB 899. By Representatives Powell of the 171st, England of the 116th, Burns of the 159th, Jones of the 47th, Meadows of the 5th and others:

A BILL to be entitled an Act to amend Chapters 13 and 13A of Title 10 of the Official Code of Georgia Annotated, relating to tobacco product manufacturers and master settlement agreement enhancements, respectively, so as to revise and add certain definitions; to provide for procedures, conditions, and limitations; to provide for responsibilities of cigarette importers and stamping agents; to provide for duties of the Attorney General and the revenue commissioner; to amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, so as to clarify applicability in conjunction with other provisions of law; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapters 13 and 13A of Title 10 of the Official Code of Georgia Annotated, relating to tobacco product manufacturers and master settlement agreement enhancements, respectively, so as to revise and add certain definitions; to provide for procedures, conditions, and limitations; to provide for responsibilities of cigarette importers and stamping agents; to provide for duties of the Attorney General and the revenue commissioner; to amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, so as to clarify applicability in conjunction with other provisions of law; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 10 of the Official Code of Georgia Annotated, relating to tobacco product manufacturers, is amended by revising Code Section 10-13-2, relating to definitions regarding tobacco product manufacturers, as follows:

"10-13-2.

As used in this chapter, the term:

- (1) 'Adjusted for inflation' means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.
- (2) 'Affiliate' means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms 'owns,' 'is owned,' and 'ownership' mean ownership of an equity interest, or the equivalent thereof of 10 percent or more, and the term 'person' means an individual, partnership, committee, association, corporation, or any other organization or group of persons.
- (3) 'Allocable share' means Allocable Share as that term is defined in the Master Settlement Agreement.
- (4) 'Cigarette' means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (B) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (C) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (A) of this definition. The term 'cigarette' includes 'roll-your-own' (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of 'cigarette,' 0.09 ounces of 'roll-your-own' tobacco shall constitute one individual 'cigarette.'

(5) 'Importer' means any person in the United States to whom nonfederal excise tax-paid cigarettes manufactured in a foreign country are shipped or consigned, any person who removes cigarettes for sale or consumption in the United States from a customs bonded manufacturing warehouse, or any person who smuggles or otherwise unlawfully brings cigarettes into the United States.

(6) 'Master Settlement Agreement' means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

~~(6)~~(7) 'Qualified escrow fund' means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1 billion where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing, or directing the use of the funds' principal except as consistent with subparagraph (B) of paragraph (2) of Code Section 10-13-3. The principal balance in the qualified escrow fund must always be maintained so that both the face value and the cost basis of the account are each equal to or greater than the accumulated principal deposits.

~~(7)~~(8) 'Released claims' means Released Claims as that term is defined in the Master Settlement Agreement.

~~(8)~~(9) 'Releasing parties' means Releasing Parties as that term is defined in the Master Settlement Agreement.

~~(9)~~(10) 'Tobacco product manufacturer' means an entity that after the date of enactment of this chapter directly (and not exclusively through any affiliate):

(A) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of ~~subsections~~ subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(B) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(C) Becomes a successor of an entity described in subparagraph (A) or (B) of this paragraph.

The term 'tobacco product manufacturer' shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within subparagraphs (A) through (C) of this paragraph.

~~(40)~~(11) 'Units sold' means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) during the year in question, as ~~measured by excise taxes collected by the state on packs (or 'roll-your-own' tobacco containers) bearing the excise tax stamp of the state~~ on packs required to bear a tax stamp pursuant to Code Section 48-11-3 and on 'roll-your-own' tobacco on which excise tax is due either by tax stamp or pursuant to an alternate method of taxation. 'Units sold' does not include cigarettes the purchase or use of which the state is prohibited from taxing under the Constitution or statutes of the United States. The state revenue commissioner ~~shall~~ and the Attorney General may promulgate such regulations as are necessary to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year."

SECTION 2.

Said chapter is further amended by revising Code Section 10-13-3, relating to deposits into escrow accounts, as follows:

"10-13-3.

Any tobacco product manufacturer selling cigarettes to consumers within the state (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) after the date of enactment of this chapter shall do one of the following:

(1) Become a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(2)(A) Place into a qualified escrow fund ~~by April 15 of the year following the year in question~~ on a quarterly basis, no later than 30 days after the end of each calendar quarter in which sales are made, the following amounts (as such amounts are adjusted for inflation):

- (i) 1999: \$0.0094241 per unit sold after the date of enactment of this chapter;
- (ii) 2000: \$0.0104712 per unit sold;
- (iii) For each of 2001 and 2002: \$0.0136125 per unit sold;
- (iv) For each of 2003 through 2006: \$0.0167539 per unit sold; and
- (v) For each of 2007 and each year thereafter: \$0.0188482 per unit sold.

(B) A tobacco product manufacturer that places funds into escrow pursuant to subparagraph (A) of this paragraph shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

- (i) To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this division: (I) in the order in which they were placed into escrow; and (II) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(ii) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to section IX(i) of that Agreement including, after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(iii) To the extent not released from escrow under division (i) or (ii) of this subparagraph, funds shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(C) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this paragraph shall ~~annually~~ quarterly and annually certify to the Attorney General that it is in compliance with this paragraph. The Attorney General may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under this paragraph. Any tobacco product manufacturer that fails in any calendar quarter or year to place into escrow the funds required under this paragraph shall:

(i) Be required within 15 days to place such funds into escrow as shall bring it into compliance with this paragraph. The court, upon a finding of a violation of this paragraph, may impose a civil penalty (to be paid to the general fund of the state) in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(ii) In the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this Code section. The court, upon a finding of a knowing violation of this paragraph, may impose a civil penalty (to be paid to the general fund of the state) in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(iii) In the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state (whether directly or through a distributor, retailer, or similar intermediary) for a period not to exceed two years.

(D) An importer shall be jointly and severally liable for escrow deposits due from a nonparticipating manufacturer with respect to any nonparticipating manufacturer cigarettes that it imported and which were then sold in this state.

Each failure to make ~~an~~ a quarterly or annual deposit required under this Code section shall constitute a separate violation."

SECTION 3.

Chapter 13A of Title 10 of the Official Code of Georgia Annotated, relating to master settlement agreement enhancements, is repealed and reenacted to read as follows:

"CHAPTER 13A**10-13A-1.**

The General Assembly finds that violations of Chapter 13 of this title threaten the integrity of the tobacco Master Settlement Agreement, the fiscal soundness of the state, and the public health. The General Assembly finds that enacting procedural enhancements will aid the enforcement of such chapter and thereby safeguard the Master Settlement Agreement, the fiscal soundness of the state, and the public health.

10-13A-2.

As used in this chapter, the term:

(1) 'Brand family' means all styles of cigarettes sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, 'menthol,' 'lights,' 'kings,' and '100s,' and includes any brand name, alone or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to or identifiable with a previously known brand of cigarettes.

(2) 'Cigarette' means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (B) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (C) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (A) of this definition. The term 'cigarette' includes 'roll-your-own' (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of 'cigarette,' 0.09 ounces of 'roll-your-own' tobacco shall constitute one individual 'cigarette.'

(3) 'Commissioner' means the state revenue commissioner.

(4) 'Dealer' means cigarette and loose and smokeless dealers as defined in paragraphs (7) and (17) of Code Section 48-11-1.

(5) 'Directory' means the directory listing all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of Code Section 10-13A-3 and all brand families that are listed in such certifications developed by the Attorney General pursuant to Code Section 10-13A-4, or in the case

of reference to another state's directory, the directory compiled under the similar law of the other state.

~~(5)~~(6) 'Distributor' means any person who:

(A) Maintains a warehouse, warehouse personnel, and salespersons who regularly contact and call on dealers; and

(B) Is engaged in the business of:

(i) Manufacturing ~~eigars or~~ cigarettes in this state, importing ~~eigars or~~ cigarettes into this state, or purchasing ~~eigars or~~ cigarettes from other manufacturers or distributors; and

(ii) Selling the ~~eigars or~~ cigarettes to dealers in this state for resale but is not in the business of selling the ~~eigars or~~ cigarettes directly to the ultimate consumer of the ~~eigars or~~ cigarettes.

(7) 'Importer' means any person in the United States to whom nonfederal excise tax-paid cigarettes manufactured in a foreign country are shipped or consigned, any person who removes cigarettes for sale or consumption in the United States from a customs bonded manufacturing warehouse, or any person who smuggles or otherwise unlawfully brings cigarettes into the United States.

~~(6)~~(8) 'Master Settlement Agreement' means the settlement agreement (and related documents) entered into on November 23, 1998, by the state and leading United States tobacco product manufacturers.

~~(7)~~(9) 'Nonparticipating manufacturer' means any tobacco product manufacturer that is not a participating manufacturer.

(10) 'Package' means any pack or other container on which a state stamp could be applied consistent with and as required by Code Section 48-11-3 that contains one or more individual cigarettes for sale. Nothing in this paragraph shall alter any other applicable requirements with respect to the minimum number of cigarettes that may be contained in a pack or other container of cigarettes. References to package do not include a container of multiple packages.

~~(8)~~(11) 'Participating manufacturer' has the meaning given that term in subsection II(jj) of the Master Settlement Agreement and all amendments thereto.

(12) 'Person' means any natural person, trustee, company, partnership, corporation, or other legal entity.

(13) 'Purchase' means any acquisition in any manner or by any means for any consideration. The term includes transporting or receiving product in connection with a purchase.

(14) 'Qualified escrow fund' means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1 billion where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing, or directing the use of the funds' principal except as consistent with subparagraph (B) of paragraph (2) of Code Section 10-13-3. The principal balance in the qualified escrow fund must always be maintained so that both

the face value and the cost basis of the account are each equal to or greater than the accumulated principal deposits.

(15) 'Sale or sell' means any transfer, exchange, or barter in any manner or by any means for any consideration. Sale or sell includes distributing or shipping product in connection with a sale. References to sale 'in' or 'into' a state refers to the state of the destination point of the product in the sale, without regard to where title was transferred. References to sale 'from' the state refers to the sale of cigarettes that are located in the state to the destination in question without regard to where title was transferred.

(16) 'Shortfall amount' means the difference between:

(A) The full amount of the deposit required to be made by a nonparticipating manufacturer for a calendar quarter or year under Code Section 10-13-3; and

(B) The sum of:

(i) The actual amount deposited into escrow by the nonparticipating manufacturer for that calendar quarter or year under Code Section 10-13-3;

(ii) Any amounts deposited into escrow for that calendar quarter under subparagraph (D) of paragraph (2) of Code Section 10-13-3 by an importer on such nonparticipating manufacturer's cigarettes; and

(iii) Any amounts collected by the state for that calendar quarter under the bond posted by the nonparticipating manufacturer under Code Section 10-13A-7.

(17) 'Stamping agent' means any person that is authorized to affix stamps to packages or other containers of cigarettes under Code Section 48-11-3 or any person that is required to pay the excise tax under the alternate method of taxation, if so prescribed pursuant to Code Section 48-11-3 on 'roll-your-own' tobacco.

~~(9) 'Qualified escrow fund' means an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1 billion where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing, or directing the use of the funds' principal except as consistent with subparagraph (B) of paragraph (2) of Code Section 10-13-3.~~

~~(10)~~ (18) 'Tobacco product manufacturer' means an entity that after April 28, 1999:

(A) Manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(B) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(C) Becomes a successor of an entity described in subparagraph (A) or (B) of this paragraph.

The term tobacco product manufacturer shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within subparagraphs (A) through (C) of this paragraph.

~~(11)(19)~~ 'Units sold' means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) during the year in question, ~~as measured by excise taxes collected by the state on packs (or 'roll your own' tobacco containers) bearing the excise tax stamp of the state. on cigarette packs required to bear a tax stamp pursuant to Code Section 48-11-3 and on 'roll-your-own' tobacco on which excise tax is due either by tax stamp or pursuant to an alternate method of taxation. 'Units sold' does not include cigarettes the purchase or use of which the state is prohibited from taxing under the Constitution or statutes of the United States.~~ The state revenue commissioner ~~shall~~ and the Attorney General may promulgate such regulations as are necessary to ascertain the amount of state excise tax paid on cigarettes of such tobacco product manufacturer for each year.

10-13A-3.

(a) Every tobacco product manufacturer whose cigarettes are sold in this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall execute and deliver in the manner prescribed by the Attorney General a certification to the commissioner and Attorney General, no later than the thirtieth day of April each year, certifying that, as of the date of such certification, such tobacco product manufacturer either is a participating manufacturer or is in full compliance with Chapter 13 of this title, including all annual deposits required by paragraph (2) of Code Section 10-13-3.

(b) Every tobacco product manufacturer shall also certify that:

(1) Such manufacturer or its importer holds a valid permit under 26 U.S.C. Section 5713; and

(2) Such manufacturer is in compliance with all reporting and registration requirements of 15 U.S.C. Sections 376 and 376a.

(c) ~~A~~ In addition, participating manufacturer shall include in its certification a list of its brand families. A participating manufacturer shall update such list 30 calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General and commissioner. A participating manufacturer may not include a brand family in its certification unless the participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the Master Settlement

Agreement for the relevant year, in the volume and shares determined pursuant to the Master Settlement Agreement.

~~(e)~~(d) A nonparticipating manufacturer shall include in its certification a list of all of its brand families and the number of units sold for each brand family that were sold in this state during the preceding calendar year and a list of all of its brand families that have been sold in this state at any time during the current calendar year. Such lists must indicate ~~by an asterisk~~ any brand family sold in this state during the preceding calendar year that is no longer being sold in this state as of the date of such certification, and identification by name and address of any other manufacturer of such brand families in the preceding or current calendar year. The nonparticipating manufacturer shall update such list 30 calendar days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General and commissioner. A nonparticipating manufacturer may not include a brand family in its certification unless such nonparticipating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of Chapter 13 of this title. Such certification must also certify:

(1) That such nonparticipating manufacturer is registered to do business in this state and has appointed a resident agent for service of process and provided notice thereof as required by Code Section 10-13A-6;

(2) That such nonparticipating manufacturer has established and continues to maintain a qualified escrow fund as required by Code Section 10-13-3 and has executed a qualified escrow agreement that has been reviewed and approved by the Attorney General and that governs the qualified escrow fund;

(3) That such nonparticipating manufacturer is in full compliance with Chapter 13 of this title, ~~and with this chapter, Chapter 11 of Title 48,~~ and any regulations promulgated pursuant to ~~either chapter such chapters; and~~

(4) The name, address, and telephone number of the financial institution where the nonparticipating manufacturer has established such qualified escrow fund required pursuant to Chapter 13 of this title and all regulations promulgated pursuant to such chapter; the account number of such qualified escrow fund and any subaccount number for this state; the amount such nonparticipating manufacturer placed in such fund for cigarettes sold in this state during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Attorney General to confirm the foregoing; and the amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made at any time from such fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to Chapter 13 of this title and all regulations promulgated pursuant to such chapter;

(5) That such nonparticipating manufacturer consents to be sued in the courts of the State of Georgia for purposes of the state:

(A) Enforcing this chapter, Chapter 13 of this title, Title 48, and any regulations promulgated pursuant to these provisions; or

(B) Bringing a released claim as defined in paragraph (8) of Code Section 10-13-2;

(6) That such nonparticipating manufacturer has posted the appropriate bond required under Code Section 10-13A-7 and the information needed to establish the existence of such bond; and

(7) In the case of a nonparticipating manufacturer located outside of the United States, the nonparticipating manufacturer shall provide a declaration from each of its importers into the United States of any of its brand families to be sold in this state. The declaration shall be on a form prescribed by the Attorney General and shall state the following:

(A) The importer accepts joint and several liability with the nonparticipating manufacturer for all obligations to place funds into a qualified escrow fund and for payment of all civil penalties and all reasonable costs and expenses of investigation and prosecution, including attorney's fees;

(B) The importer consents to personal jurisdiction in Georgia for the purposes of claims by the state for any obligation to place funds into a qualified escrow fund and for payment of all civil penalties and all reasonable costs and expenses of investigation and prosecution, including attorney's fees; and

(C) The importer has appointed a registered agent for service of process in Georgia according to the same requirements as established in Code Section 10-13A-6 for any nonresident or foreign nonparticipating manufacturer.

Certification in accordance with this subsection shall be deemed to be in compliance with subparagraph (C) of paragraph (2) of Code Section 10-13-3.

~~(d)~~(e) Nothing in this Code section shall be construed as limiting or otherwise affecting the state's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for purposes of calculating payments under the Master Settlement Agreement or for purposes of Chapter 13 of this title.

~~(e)~~(f) Tobacco product manufacturers shall maintain all invoices and documentation of sales and other such information relied upon for such certification for a period of five years, unless otherwise required by law to maintain them for a greater period of time.

10-13A-4.

(a) ~~Not later than August 1, 2004, the~~ The Attorney General shall develop and make available for public inspection on its website a directory, as defined in paragraph ~~(4)~~ (5) of Code Section 10-13A-2.

(b) The Attorney General shall not include or retain in such directory the name or brand families of any nonparticipating manufacturer that has failed to provide the required certification or whose certification the Attorney General determines is not in compliance with ~~subsection (c)~~ of Code Section 10-13A-3, unless the Attorney General has determined that such violation has been cured to the satisfaction of the Attorney General.

(c) Neither a tobacco product manufacturer nor brand family shall be included or retained in the directory if the Attorney General concludes, in the case of a nonparticipating manufacturer, that:

- (1) Any escrow payment required pursuant to Chapter 13 of this title for any period for any brand family, whether or not listed by such nonparticipating manufacturer, has not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the Attorney General; or
- (2) Any outstanding final judgment, including interest thereon, for a violation of Chapter 13 of this title has not been fully satisfied for such brand family or such manufacturer.
- (d) The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove tobacco product manufacturers or brand families to keep the directory in conformity with the requirements of this chapter.
- (e) Every distributor shall provide and update as necessary an e-mail address to the Attorney General for the purpose of receiving any notifications as may be required by this chapter.

10-13A-5.

It shall be unlawful for any person to affix a tax stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory or to sell, offer for sale, or possess with intent to sell, or import for personal use, in this state, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

10-13A-6.

- (a) Any nonresident or foreign nonparticipating manufacturer or importer that has not registered to do business in this state as a foreign corporation or business entity shall, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this state as required by Code Section 48-11-5 to act as agent for the service of process on whom all process and any action or proceeding against it concerning or arising out of the enforcement of Chapter 13 of this title or this chapter may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of such agent to the satisfaction of the commissioner and Attorney General.
- (b) The nonparticipating manufacturer or importer shall provide notice to the commissioner and Attorney General 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the agent and the nonparticipating manufacturer or importer shall notify the commissioner and Attorney General of said termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

(c) Any nonparticipating manufacturer or importer whose cigarettes are sold in this state who has not appointed and engaged an agent as required in this Code section shall be deemed to have appointed the Secretary of State as such agent and may be proceeded against in courts of this state by service of process upon the Secretary of State; provided, however, that the appointment of the Secretary of State as such agent shall not satisfy the condition precedent for having the brand families of the nonparticipating manufacturer or importer included or retained in the directory.

(d) The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand family to keep the directory in conformity with the requirements of this chapter. The Attorney General shall post in the directory and transmit by e-mail or other practicable means to each notice of any removal from the directory of a tobacco product manufacturer or brand family at least 30 days prior to removal from the directory of such tobacco product manufacturer or brand family. Unless otherwise provided by agreement between the wholesaler and a tobacco product manufacturer, the wholesaler shall be entitled to a refund from a tobacco product manufacturer for any money paid by the wholesaler to the tobacco product manufacturer for any cigarettes of the tobacco product manufacturer in the possession of the wholesaler on the effective date of removal from the directory, or as subsequently received from a retail dealer as provided in this chapter, of products of that tobacco product manufacturer or brand family of cigarettes. Unless otherwise provided by agreement between a retail dealer and the wholesaler or a tobacco product manufacturer, a retail dealer shall be entitled to a refund from the wholesaler or a tobacco product manufacturer for any money paid by the retail dealer to the wholesaler or such tobacco product manufacturer for any cigarettes of the tobacco product manufacturer still in the possession of the retail dealer on the effective date of removal from the directory of that tobacco product manufacturer or brand family.

(e) The failure of the Attorney General to provide notice of any intended removal from the directory as required under subsection (d) of this Code section or the failure of a distributor or stamping agent to receive such notice does not relieve the distributor or stamping agent of its obligations under this chapter.

10-13A-7.

(a) All nonparticipating manufacturers shall post a bond for the benefit of the state which is subject to execution under subsection (c) of this Code section. The bond shall be posted by a corporate surety located within the United States. The bond shall be posted and evidence of such posting shall be provided to the Attorney General with the nonparticipating manufacturer's quarterly and annual certifications as a condition of the nonparticipating manufacturer and its brand families being included or remaining in the directory for the following quarter or year.

(b) The amount of the bond shall be the greater of:

(1) Fifty thousand dollars; or

(2) The highest amount of escrow owed in Georgia by the nonparticipating manufacturer or its predecessor in the last 12 quarters.

(c) If a nonparticipating manufacturer that posted a bond has failed to make, or have made on its behalf by an entity with joint and several liability, escrow deposits equal to the full amount owed for a quarter within 15 days following the due date for the quarter under Code Section 10-13-3, the state may execute upon the bond, first to recover delinquent escrow, which amount shall be deposited into a qualified escrow account under Code Section 10-13-3, and then to recover civil penalties and costs authorized under such Code section. Escrow obligations above the amount collected on the bond remain due from that nonparticipating manufacturer and from the importers and stamping agents that sold its cigarettes during that calendar quarter and at any time prior to the removal of the nonparticipating manufacturer and brand from the directory.

~~10-13A-7.~~ 10-13A-8.

(a) Not later than ~~20~~ 10 calendar days after the end of each calendar ~~quarter~~ month, and more frequently if so directed by the Attorney General, each distributor shall submit such information as the Attorney General requires to facilitate compliance with this chapter, including, but not limited to, a list by brand family of the total number of cigarettes, or, in the case of 'roll-your-own,' the equivalent count, for which the distributor affixed tax stamps during the previous calendar ~~quarter~~ month or otherwise paid the tax due for such cigarettes. The distributor shall also certify that the information provided to the Attorney General is complete and accurate. The distributor shall maintain and make available to the Attorney General all invoices and documentation of sales of all nonparticipating manufacturer cigarettes and any other information relied upon in reporting to the Attorney General for a period of five years.

~~(b) The commissioner is authorized to disclose to the Attorney General any information received under this chapter and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this chapter. The commissioner and Attorney General shall share with each other the information received under this chapter and may share such information with other federal, state, or local agencies only for purposes of enforcement of this chapter or the corresponding laws of other states. Notwithstanding any law to the contrary, the commissioner and the Attorney General are authorized to disclose to each other any information received under this chapter, Chapter 13 of this title, and Title 48 for the purposes of determining compliance with and enforcing the provisions of this chapter, Chapter 13 of this title, and Title 48. The commissioner and Attorney General may also share such information with other federal, state, or local courts or agencies for purposes of enforcing the provisions of this chapter, Chapter 13 of this title, or the corresponding laws of other states. The commissioner and Attorney General may also disclose information provided under this Code section, Chapter 13 of this title, and Title 48 that may otherwise be confidential:~~

(1) In discharge of the duty to enforce or defend the provisions of this part or Chapter 13 of this title;

(2) In the course of any litigation, arbitration, or proceeding related to this part, Chapter 13 of this title, the Master Settlement Agreement, or the NPM Adjustment Settlement Agreement; or

(3) In complying with provisions in the NPM Adjustment Settlement Agreement.

Despite this disclosure, the information shall maintain its confidential status.

(c) Any tobacco sales data provided by another state, a tobacco product manufacturer, or other person or entity to a data clearing-house pursuant to the NPM Adjustment Settlement Agreement that is also provided to the Attorney General or commissioner pursuant to that agreement shall be treated as confidential tax information as defined in Title 48. This subsection only applies to information received by the Attorney General or commissioner solely as a result of the NPM Adjustment Settlement Agreement.

(e)(d) The Attorney General may require at any time from the nonparticipating manufacturer proof from the financial institution in which such manufacturer has established a qualified escrow fund for the purpose of compliance with Chapter 13 of this title of the amount of money in such fund, exclusive of interest, the amount and date of each deposit to such fund, and the amount and date of each withdrawal from such fund.

(e)(e) In addition to the information required to be submitted pursuant to this chapter, the Attorney General may require a distributor, stamping agent, or tobacco product manufacturer to submit any additional information or documentation, including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this chapter.

(e)(f) To promote compliance with this chapter, the Attorney General may promulgate regulations ~~requiring a tobacco product manufacturer subject to the requirements of subsection (c) of Code Section 10-13A-3 to make the annual escrow deposits required during the year in which the sales covered by such deposits are made.~~ The Attorney General may also require production of information sufficient to enable the Attorney General to determine the adequacy of the amount of the ~~installment~~ quarterly or annual escrow deposit.

(g) A stamping agent shall be jointly and severally liable for the escrow deposits required under Code Section 10-13-3 in the event that there is a shortfall amount. The liability of a stamping agent for escrow deposits shall be calculated as follows: If there is a shortfall amount for a nonparticipating manufacturer for a calendar quarter, each stamping agent that sold cigarettes of that nonparticipating manufacturer during the calendar quarter shall deposit into such escrow account as shall be designated by the state an amount equal to the applicable shortfall amount multiplied by a fraction, the numerator of which is the number of cigarettes of that nonparticipating manufacturer sold in or into the state by the stamping agent during that calendar quarter and the denominator of which is the total number of cigarettes of that nonparticipating manufacturer sold by all stamping agents in or into the state during that calendar quarter. To the extent a stamping agent makes payments with respect to a shortfall

amount under this subsection, such stamping agent shall have a claim against the nonparticipating manufacturer for such amount.

~~10-13A-8.~~ 10-13A-9.

(a) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a ~~distributor~~ stamping agent has violated Code Section 10-13A-5 or any regulation adopted pursuant to this chapter, the commissioner may revoke or suspend the dealer or distributor's license of the ~~distributor~~ stamping agent in the manner provided by Code Section 48-11-6. Each tax stamp affixed and each sale or offer to sell cigarettes in violation of Code Section 10-13A-5 or the rules and regulations adopted pursuant to this chapter shall constitute a separate violation. For each violation, the commissioner may also impose a civil penalty in an amount not to exceed the greater of 500 percent of the retail value of the cigarettes or \$5,000.00 upon a determination of a violation of Code Section 10-13A-5 or any regulations adopted pursuant thereto. Such penalty shall be imposed in the manner provided in subsection (c) of Code Section 48-11-24.

(b) A license may also be subject to termination, suspension, or other available remedy found in Code Section 48-11-14, if:

(1) A distributor fails to provide a report required under Code Section 10-13A-8;

(2) A distributor files an incomplete or inaccurate report required under Code Section 10-13A-8; or

(3) A distributor or stamping agent fails to deposit escrow as provided in subsection (g) of Code Section 10-13A-8.

(c) Any cigarettes that have been sold, offered for sale, or possessed for sale in this state in violation of Code Section 10-13A-5 or other provisions of this chapter or Chapter 13 of this title shall be deemed contraband under Code Section 48-11-9 and such cigarettes shall be subject to seizure and forfeiture as provided in such Code section.

~~(e)(d)~~ The Attorney General, on behalf of the commissioner, may seek an injunction to restrain a threatened or actual violation of Code Section 10-13A-5 or of subsection (a) or ~~(d)~~ (e) of Code Section ~~10-13A-7~~ 10-13A-8 by a distributor or stamping agent and to compel the distributor to comply with said Code section or either such subsection. In any action brought pursuant to this Code section, the state shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.

~~(d)(e)~~ It shall be unlawful for a person to sell or distribute cigarettes or to acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in this state in violation of Code Section 10-13A-5. Any person who violates this subsection shall be guilty of a misdemeanor.

~~(e)(f)~~ A violation of Code Section 10-13A-5 shall constitute an unfair and deceptive act or practice under Part 2 of Article 15 of Chapter 1 of this title, the 'Fair Business Practices Act of 1975.'

(g) It is unlawful for any person to knowingly submit any false information required pursuant to Chapter 13 of this title or this chapter. A violation of this subsection is a felony. Knowing submission of false information shall also be grounds for removal of a tobacco product manufacturer or brand from the directory.

~~10-13A-9.~~ 10-13A-10.

(a) A determination of the Attorney General to not include or to remove from the directory a brand family or tobacco product manufacturer shall be subject to review in the manner prescribed by Article 1 of Chapter 13 of Title 50, known as the 'Georgia Administrative Procedure Act.'

(b) No person shall be issued a license or granted a renewal of a license under Chapter 11 of Title 48 to act as a distributor unless such person has certified in writing that such person will comply fully with this chapter.

~~(c) The first report of distributors required by subsection (a) of Code Section 10-13A-7 shall be due 30 calendar days after July 1, 2003, the certifications by a tobacco product manufacturer described in subsection (a) of Code Section 10-13A-3 shall be due 45 calendar days after such date, and the directory described in Code Section 10-13A-4 shall be published or made available within 90 calendar days after such date.~~

~~(d)~~(c) The Attorney General may promulgate rules and regulations necessary to effect the purposes of this chapter.

~~(e)~~(d) In any action brought by the state to enforce this chapter, the state shall be entitled to recover the costs of investigation, expert witness fees, costs of the action, and reasonable attorney fees.

~~(f)~~(e) If a court of competent jurisdiction finds that the provisions of this chapter and of Chapter 13 of this title conflict and cannot be harmonized, then such provisions of Chapter 13 of this title shall control. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter causes Chapter 13 of this title to no longer constitute a qualifying or model statute, as those terms are defined in the Master Settlement Agreement, then that portion of this chapter shall not be valid. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof."

SECTION 4.

Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on tobacco products, is amended by revising paragraph (4) of subsection (c) of Code Section 48-11-4, relating to licensing and registration of persons engaged in the tobacco business and annual fees, as follows:

"(4) Each manufacturer's, importer's, distributor's, or dealer's license shall be subject to suspension or revocation for violation of any of the provisions of this chapter or of the rules and regulations made pursuant to this chapter or Chapters 13 and 13A of Title 10 or of the rules and regulations made pursuant to those chapters. A separate

license shall be required for each place of business. No person shall hold a distributor's license and a dealer's license at the same time."

SECTION 5.

Said chapter is further amended by revising Code Section 48-11-6, relating to suspension and revocation of licenses, as follows:

"48-11-6.

The commissioner may suspend or refuse to renew a license issued to any person under this chapter for violation of any provision of this chapter ~~or of any rule or regulation of the commissioner made pursuant to this chapter~~ or Chapters 13 and 13A of Title 10 or of the rules and regulations made pursuant to those chapters. After notice and opportunity for hearing, the commissioner may revoke a license issued to any person under this chapter for violation of any provision of this chapter or of any rule or regulation of the commissioner made pursuant to this chapter ~~or Chapters 13 and 13A of Title 10 or of the rules and regulations made pursuant to those chapters~~. Any person aggrieved by the suspension of or refusal to renew his or her license may apply to the commissioner for a hearing as provided in subsection (a) of Code Section 48-11-18; and any person aggrieved by the action of the commissioner in revoking or refusing to renew his or her license after hearing may further appeal to the courts as provided in subsection (b) of Code Section 48-11-18. No legal proceedings or other action by the commissioner shall be barred or abated by the suspension, revocation, or expiration of any license issued under this chapter."

SECTION 6.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 48-11-9, relating to seizure of unstamped tobacco products as contraband, as follows:

"(a)(1) Any cigars, cigarettes, or loose or smokeless tobacco found at any place in this state without stamps affixed to them as required by this chapter and any cigarettes ~~seized pursuant to in violation of~~ subsection ~~(b)~~ (c) of Code Section ~~40-13A-8 10-13A-9~~ are declared to be contraband articles and may be seized by the commissioner, the commissioner's agents or employees, or any peace officer of this state when directed by the commissioner to do so."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstraction	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	E Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 736. By Representatives Atwood of the 179th, Jones of the 167th, Petrea of the 166th, Stephens of the 164th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations, so as to provide for a special license plate promoting marine habitat conservation; to provide for related matters; to require a two-

thirds' majority vote for passage in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special and distinctive license plates for women veterans; to provide for definitions; to provide for the issuance of a special license plate to the spouse of an eligible person under certain circumstances; to establish a special and distinctive license plate for the Omega Psi Phi Fraternity, Inc.; to provide for a special license plate promoting marine habitat conservation; to provide for related matters; to provide for an effective date; to require a two-thirds' majority vote for passage of certain provisions in accordance with constitutional requirements; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by revising Code Section 40-2-85.1, relating to special and distinctive license plates for veterans, as follows:

"40-2-85.1.

(a) For purposes of this Code section, the term:

(1) 'Military medal award' means the following medals, decorations, or other recognition of honor for military service awarded by a branch of the United States military:

- (A) Medal of Honor;
- (B) Bronze Star Medal;
- (C) Silver Star Medal;
- (D) Distinguished Service Cross;
- (E) Navy Cross;
- (F) Air Force Cross;
- (G) Defense Distinguished Service Medal;
- (H) Homeland Security Distinguished Service Medal;
- (I) Distinguished Service Medal;
- (J) Navy Distinguished Service Medal;
- (K) Air Force Distinguished Service Medal;
- (L) Coast Guard Distinguished Service Medal;

- (M) Defense Superior Service Medal;
- (N) Legion of Merit;
- (O) Distinguished Flying Cross;
- (P) Purple Heart; and
- (Q) Air Medal.

(2) 'Served during active military combat' means active duty service in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, the Global War on Terrorism as defined by Presidential Executive Order 13289, Section 2, the war in Afghanistan, or the war in Iraq, which includes either Operation Iraqi Freedom or Operation Enduring Freedom.

(3) 'Veteran' means a former member of the armed forces of the United States who is discharged from the armed forces under conditions other than dishonorable.

(4) 'Woman veteran' and 'women veterans' means former members of the armed forces of the United States who are female and discharged from the armed forces under conditions other than dishonorable.

(b)(1) Motor vehicle and trailer owners who are veterans or women veterans, ~~of the armed forces of the United States, or~~ who have received a military medal award, or ~~persons~~ who served during active military combat shall be eligible to receive special and distinctive vehicle license plates for private passenger cars, motorcycles, trucks, or recreational vehicles used for personal transportation. Such license plates shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(2)(A) Motor vehicle and trailer owners who are veterans or women veterans, who ~~or~~ have received a military medal award, or who served during active military combat shall be issued upon application for and upon compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles a veteran's license plate, a woman veteran's license plate, a military medal award recipient license plate, or a commemorative service license plate for service during active military combat. One such license plate shall be issued without the requisite registration fee, manufacturing fee, or annual registration fee.

(B) Each member or former member of the armed forces of the United States listed in this subsection shall be entitled to no more than one such free license plate at a time; provided, however, that upon payment of a manufacturing fee of \$25.00, a member shall be entitled to one additional such license plate. For each additional license plate for which a \$25.00 manufacturing fee is required, there shall be an additional annual registration fee of \$25.00, and such ~~which~~ fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

(c) The commissioner shall design a veteran's license plate, a woman veteran's license plate, a military medal award recipient license plate, and a license plate to commemorate service with the United States armed forces during active military combat. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and

operation of private passenger cars, motorcycles, trucks, and trailers before issuing ~~these~~ such license plates in lieu of the regular Georgia license plates. The manufacturing fee for such special and distinctive license plates shall be \$25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Except as provided in subsection (e) of this Code section, such plates shall be nontransferable.

(d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars, motorcycles, trucks, recreational vehicles, and trailers used for personal transportation. Such plates shall contain such words or symbols, in addition to the numbers and letters prescribed by law, so as to identify distinctively the owners as who are veterans, ~~of the armed forces of the United States,~~ who are recipients of a military medal award, or ~~persons~~ who served during active military combat and shall additionally identify distinctly the owner as a ~~veteran~~ current or former member of one of the following branches of the armed forces of the United States: Army, Navy, Marines, Air Force, or Coast Guard.

(e) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80. The spouse of a deceased veteran ~~of the armed forces of the United States~~ or of a deceased person who received a military medal award or who served during active military combat shall continue to be eligible to be issued a distinctive personalized license plate as provided in this Code section for any vehicle owned by such ~~veteran~~ person, ownership of which is transferred to the surviving spouse or for any other vehicle owned by such surviving spouse either at the time of the qualifying ~~veteran's~~ person's death or acquired thereafter, so long as such ~~person~~ surviving spouse does not remarry.

(e.1) The spouse of any person eligible to be issued a special license plate under this Code section shall also be eligible for such license plate, provided that no motor vehicle is registered in the name of the eligible person and all other requirements relating to registration and licensing relative to motor vehicles as prescribed in Article 2 of this chapter have been satisfied.

(f) Special license plates issued under this Code section, except as provided in subparagraph (b)(2)(A) of this Code section, shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 without payment of an additional \$25.00 annual registration fee."

SECTION 2.

Said article is further amended in Code Section 40-2-86 of the Official Code of Georgia Annotated, relating to special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations with proceeds disbursed to the general fund and the agency, fund, or nonprofit corporation, by adding a new paragraph to subsection (l) and revising subsection (n) to read as follows:

"(52) A special license plate honoring the Omega Psi Phi Fraternity, Inc. The funds raised by the sale of this special license plate shall be disbursed to the Georgia State Omega Psi Phi Foundation."

"(n)(1) The General Assembly recognizes that Code Section 12-3-600 mandates that the best interests of the state are served by providing for the conservation of nongame species of wildlife and has determined that the following special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated. The special license plates listed in this subsection shall be subject to a special license plate fee and a special license plate renewal fee. The revenue disbursement for the special license plates listed in this subsection shall be as follows:

(A) Special license plate fee – \$25.00 of which \$5.00 is to be deposited into the general fund, \$1.00 is to be paid to the local county tag agent, and \$19.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation; and

(B) Special license plate renewal fee – \$25.00 of which \$5.00 is to be deposited into the general fund and \$20.00 is to be dedicated to the sponsoring agency, fund, or nonprofit corporation.

(2) ~~Special license plates~~ A special license plate promoting the Nongame-Endangered Wildlife Program of the Department of Natural Resources. The funds raised by the sale of ~~these~~ this special license ~~plates~~ plate shall be disbursed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund of the Department of Natural Resources for the purposes enumerated in subsection (b) of Code Section 12-3-602. Such license ~~plates~~ plate shall not include a space for a county name decal but shall instead bear the legend 'Give Wildlife a Chance' in lieu of the name of the county of issuance.

(3) A special license plate promoting conservation and enhancement of trout populations. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to supplement trout restoration and management programs.

(4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to conduct programs designed to enhance the bobwhite quail population in this state. Such programs may include the creation of habitat demonstration areas on state managed wildlife lands, education programs, technical assistance to private landowners in the creation and maintenance of bobwhite quail habitats on their lands, and projects to encourage public support for the license plate and the activities it funds. The Department of Natural Resources may enter into such contractual agreements as may be appropriate to further the objectives of the Bobwhite Quail Restoration Initiative, including entering into contractual agreements whereby private landowners, public agencies, or corporate entities create, preserve, or enhance habitat for bobwhite quail in return for the payment of incentives. Such license plate shall not include a space for a county

decal but shall instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

(5)(A) A special license plate promoting marine habitat conservation, restoration, and enhancement. The funds raised by the sale of this special license plate shall be disbursed to the Coastal Resources Division of the Department of Natural Resources to supplement marine habitat conservation, restoration, and enhancement projects undertaken to increase the abundance of marine fish and invertebrate species.

(B) The Marine Fisheries Advisory Council of the Department of Natural Resources shall provide recommendations to the Coastal Resources Division regarding expenditure of funds raised by the sale of such license plate."

SECTION 3.

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, except as otherwise provided in subsection (b) of this section.

(b) In accordance with the requirements of Article III, Section IX, Paragraph VI(n) of the Constitution of the State of Georgia, Section 2 of this Act amending subsections (l) and (n) of Code Section 40-2-86 of the Official Code of Georgia Annotated shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Rice of the 95th and Fludd of the 64th offer the following amendment:

Amend the House Committee on Motor Vehicles substitute to HB 736 (LC 39 1318S) by deleting lines 5 and 6 and inserting in lieu thereof the following:

person under certain circumstances; to establish special and distinctive license plates for the Omega Psi Phi Fraternity, Inc., and Hampton University; to provide for a special license plate promoting marine

By deleting line 116 and inserting in lieu thereof the following:

Omega Psi Phi Foundation.

(53) A special license plate honoring Hampton University. The funds raised by the sale of this special license plate shall be disbursed to the Hampton University Scholarship Fund."

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 158, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

The following member was recognized during the period of Morning Orders and addressed the House:

Representative Bentley of the 139th et al.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 887. By Representatives Efstoration of the 104th, Ballinger of the 23rd, Quick of the 117th, Caldwell of the 131st, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Articles 3 and 4 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings and termination of parental rights, respectively, so as to prioritize the placement of a child with a relative who is an adult or fictive kin when such individual is qualified to care for such child and it is in the best interests of the child; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Articles 3 and 4 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings and termination of parental rights, respectively, so as to prioritize the placement of a child with an adult who is a relative or fictive kin when such individual is qualified to care for such child and it is in the best interests of the child; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to dependency proceedings, is amended by revising subsection (e) of Code Section 15-11-135, relating to placement in eligible foster care, as follows:

"(e) In any case in which a child is taken into protective custody of DFCS, ~~such child shall be placed together;~~

(1) DFCS shall give preference for placement to an adult who is a relative or fictive kin over a nonrelated caregiver, provided that the such relative or fictive kin has met all requirements for a DFCS relative or fictive kin placement and such placement is in the best interests of the child; and

(2) Such child shall be placed together with his or her siblings who are also in protective custody or DFCS shall include a statement in its report and case plan of continuing efforts to place the siblings together or document why such joint

placement would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, DFCS shall provide for frequent visitation or other ongoing interaction between siblings, unless DFCS documents that such frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings."

SECTION 2.

Said article is further amended by revising paragraph (3) of subsection (b) of Code Section 15-11-146, relating to preliminary protective hearing and findings, as follows:

"(3) On finding that the complainant has met the burden prescribed in subsection (a) of this Code section, may place the child before the court in the temporary custody of DFCS pending the hearing on the dependency petition. DFCS shall prioritize temporary placement with an adult who is a relative or fictive kin, provided that such individual has met DFCS's requirements for relative placement and such temporary placement is in the best interests of such child."

SECTION 3.

Said article is further amended by revising subparagraph (a)(2)(A) of Code Section 15-11-212, relating to disposition of a dependent child, as follows:

"(A) Any individual, including a biological parent, who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for such child, provided that priority for placement is given to an adult who is a relative or fictive kin;"

SECTION 4.

Article 4 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to termination of parental rights, is amended by revising subsection (a) of Code Section 15-11-321, relating to custody of child following termination proceedings or surrender of parental rights, as follows:

"(a) When a court enters an order terminating the parental rights of a parent or accepts a parent's voluntary surrender of parental rights, or a petition for termination of parental rights is withdrawn because a parent has executed an act of surrender in favor of the department, a placement may be made only if the court finds that such placement is in the best interests of the child and in accordance with such child's court approved permanency plan created pursuant to Code Sections 15-11-231 and 15-11-232. In determining which placement is in a child's best interests, the court shall initially attempt to place the child with an adult who is a relative or fictive kin, if such individual is willing and found by the court to be qualified to receive and care for such child. In determining which placement is in a child's best interests, the court shall enter findings of fact reflecting its consideration of the following:

- (1) Such child's need for a placement that offers the greatest degree of legal permanence and security;
- (2) The least disruptive placement for such child;

- (3) Such child's sense of attachment and need for continuity of relationships;
- (4) The value of biological and familial connections; and
- (5) Any other factors the court deems relevant to its determination."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
Y Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
Y Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Dickerson	Y Holcomb	Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	Y Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	Y Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	Y Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 926. By Representatives Broadrick of the 4th, Stephens of the 164th, Harden of the 148th and Parrish of the 158th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; to provide definitions; to provide for licensure and registration; to provide for temporary pharmacy licenses for service members; to revise provisions relating to the compounding of drug products to conform with federal law; to establish requirements relating to drug supply chain security; to revise a provision relating to the return of outdated drugs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide for the licensure of third-party logistics providers; to provide for definitions; to provide for temporary pharmacy licenses for service members; to require that compounding of drug products for use in a practitioner's office can only be conducted by outsourcing facilities to conform to federal law; to establish requirements relating to drug supply chain security; to revise a provision relating to the return of outdated drugs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding new paragraphs to read as follows:

"(1.05) 'Authorized' means, in the case of a wholesale distributor, having a valid license pursuant to this chapter or 21 U.S.C. 360eee-1(a)(6) and complying with the licensure reporting requirements under 21 U.S.C. 360eee-3(b)."

"(24.1) 'Outsourcing facility' means a facility that is engaged in the compounding of drugs and is registered with the federal Food and Drug Administration as an outsourcing facility pursuant to Section 503b of the federal act."

"(40.1) 'Third-party logistics provider' means an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer but does not take title to a drug or have general responsibility to direct the sale or other disposition of the drug."

SECTION 2.

Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and authority of the Georgia State Board of Pharmacy, by revising paragraph (13) of subsection (a) as follows:

"(13) The issuance and renewal of licenses or permits of all persons engaged in the manufacture and distribution of drugs, including but not limited to drug manufacturers, wholesale distributors, reverse drug distributors, and third-party logistics providers. The board shall be authorized to establish all licensing and permit requirements of such entities by rule and regulation;"

SECTION 3.

Said chapter is further amended by revising Code Section 26-4-43, relating to temporary pharmacy licenses, as follows:

"26-4-43.

(a) A temporary license may be issued by the executive director upon the approval of the president of the board if an applicant produces satisfactory evidence of fulfilling the requirements for licensure under this article, except the examination requirement, and evidence of an emergency situation justifying such temporary license. ~~All~~ Except as provided in subsection (b) of this Code section, temporary licenses shall expire at the end of the month ~~during which~~ following the first third board meeting is conducted following after the issuance of such license and may not be reissued or renewed.

(b) A temporary license may be issued to a service member, as defined in Code Section 26-4-44.2, for a period of six months. The board shall promulgate rules and regulations to effectuate this subsection.

(c) Notwithstanding subsection (a) of this Code section, applicants who have been accepted for a pharmacy resident position in this state may be issued a temporary license if they meet the examination requirement for licensure as specified by the board."

SECTION 4.

Said chapter is further amended by revising Code Section 26-4-86, relating to compounding and distribution of drug products, as follows:

"26-4-86.

(a) The board shall establish rules and regulations governing the compounding and distribution of drug products by pharmacists, practitioners, and pharmacies licensed or registered by this state. Such rules and regulations shall include provisions ensuring compliance with USP-NF standards.

(b) All drug products compounded and labeled in accordance with board rules regarding pharmaceutical compounding and which have been compounded by an outsourcing facility in accordance with applicable current good manufacturing practices established by the federal Food and Drug Administration shall be deemed to meet the labeling requirements of Chapter 13 of Title 16 and Chapters 3 and 4 of this title.

(c) In regards to pharmacists compounding sterile drugs to be provided to practitioners to use in patient care or altering or repackaging such drugs for practitioners to use in patient care in the practitioner's office, such sterile compounding shall only be conducted by an outsourcing facility and as allowed by applicable federal law and board rule for pharmaceutical compounding using USP-NF standards for sterile compounding. Such sterile drugs may be compounded only in quantities determined by board rule following consultation with the Georgia Composite Medical Board. No Schedule II, III, IV, or V controlled substance, as defined in Article 2 of Chapter 13 of Title 16, shall be eligible for such designation. Nothing in this subsection shall be construed to apply to pharmacies owned or operated by institutions or to pharmacists or practitioners within or employed by an institution or affiliated entity; provided, however, that pharmacies owned or operated by institutions and pharmacists and practitioners within or employed by institutions or affiliated entities shall remain subject to other requirements, rules, and regulations established by the board and the federal Food and Drug Administration governing the compounding of medication.

(d) Practitioners who may lawfully compound drugs for administering or dispensing to their own patients pursuant to Code Section 26-4-130 shall comply with all provisions of this Code section and board rules regarding pharmaceutical compounding."

SECTION 5.

Said chapter is further amended in Code Section 26-4-113, relating to wholesale distributors, licensing requirements, suspension or revocation of license, and reinstatement, by revising subsection (b) as follows:

"(b) Except where otherwise permitted by law, it shall be unlawful for a manufacturer, wholesale distributor, ~~or a reverse drug distributor,~~ or third-party logistics provider to distribute or deliver drugs or devices to or receive drugs or devices from any person or firm in this state not licensed under this chapter. Any person who distributes or delivers drugs or devices to or receives drugs or devices from a person or firm not licensed under this chapter shall be subject to a fine to be imposed by the board for each offense in addition to such other disciplinary action the board may take under this chapter. Each such violation shall also constitute a misdemeanor."

SECTION 6.

Said chapter is further amended by revising Code Section 26-4-115, relating to wholesale drug distributors, registration, fees, reports of excessive purchases, and penalty for violations, as follows:

"26-4-115.

(a) All persons, firms, or corporations, whether located in this state or in any other state, engaged in the business of selling or distributing drugs at wholesale in this state, in the business of supplying drugs to manufacturers, compounders, and processors in this state, or in the business of a reverse drug distributor shall biennially register with the board as a drug wholesaler, distributor, reverse drug distributor, ~~or supplier, or third-party logistics provider~~. The application for registration shall be made on a form to be prescribed and furnished by the board and shall show each place of business of the applicant for registration, together with such other information as may be required by the board. The application shall be accompanied by a fee in an amount established by the board for each place of business registered by the applicant. Such registration shall not be transferable and shall expire on the expiration date established by the executive director. Registration shall be renewed pursuant to the rules and regulations of the board, and a renewal fee prescribed by the board shall be required. If not renewed, the registration shall lapse and become null and void. Registrants shall be subject to such rules and regulations with respect to sanitation or equipment as the board may, from time to time, adopt for the protection of the public health and safety. Such registration may be suspended or revoked or the registrant may be reprimanded, fined, or placed on probation by the board if the registrant fails to comply with any law of this state, the United States, or any other state having to do with the control of pharmacists, pharmacies, wholesale distribution, ~~or reverse drug distribution, or third-party logistics provider distribution~~ of controlled substances or dangerous drugs as defined in Chapter 13 of Title 16; if the registrant fails to comply with any rule or regulation promulgated by the board; or if any registration or license issued to the registrant under the federal act is suspended or revoked.

(b) Every drug wholesaler, distributor, ~~or supplier, or third-party logistics provider~~ registered as provided in Chapter 13 of Title 16 or in subsection (a) of this Code section, except reverse drug distributors, shall:

(1) Submit reports, upon request from the Georgia Drugs and Narcotics Agency, to account for all transactions with licensed persons or firms located within this state; such reportable transactions shall include all dangerous drugs and controlled substances as defined in Chapter 13 of Title 16. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency; ~~and~~

(2) Automatically submit reports of any excessive purchases of controlled substances by licensed persons or firms located within this state using the federal Drug Enforcement Administration guidelines to define '~~excessive purchases~~' excessive purchases as set forth under the provisions of 21 C.F.R. ~~See: Section 1301~~. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency; ~~and~~

(3)(A) Comply with the requirements of Section 360eee, et seq., of the federal act, relating to drug supply chain security.

(B) Each manufacturer of a drug subject to Section 360eee, et seq., of the federal act shall maintain at its corporate offices a current list of the authorized wholesale distributors of such drug.

(C) The board shall establish rules and regulations relating to drug supply chain security based on the requirements of Section 360eee, et seq., of the federal act which are not inconsistent with, more stringent than, or in addition to any requirements applicable under Section 353(e) or Section 360eee of the federal act or any regulations issued thereunder and which are not inconsistent with any waiver, exception, or exemption pursuant to Section 360eee, et seq., of the federal act or any restrictions specified in Section 360eee-1 of the federal act.

(c) The board shall be authorized to promulgate rules and regulations to facilitate compliance with this Code section. Such rules and regulations shall include a requirement that all wholesale drug distributors required to register pursuant to this Code section shall make adequate provision for the return of outdated drugs, both full and partial containers, for up to six months after the labeled expiration date for prompt full credit or replacement; provided, however, that such rules and regulations may also include a list of drugs exempted from the requirements of such provision that have been determined by the board as essential to health care treatment and having an expiration date of less than one year from the date such drug is manufactured.

(d) The provisions of subsection (b) of this Code section shall not apply to any wholesaler, manufacturer, distributor, ~~or~~ supplier who, or third-party logistics provider that only ships controlled substances directly to a licensed wholesaler within this state.

(e) Any person, firm, or corporation which violates any provision of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years or by a fine not to exceed \$25,000.00, or both.

(f) Any practitioner who knowingly transfers any controlled substance or dangerous drug as such terms are defined in Chapter 13 of Title 16 by purchasing from or returning to a person, firm, or corporation which is not registered as required in subsection (a) of this Code section or as required in Chapter 13 of Title 16 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed \$10,000.00, or both."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	Y Smith, L
N Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R

Y Ballinger	Y Dawkins-Haigler	Y Henson	N Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	N Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	N Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	N Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	N Duncan	Jones, L	Y Price	Y Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Y Thomas, E
Y Buckner	Y England	N Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	N Turner
Y Caldwell, J	Y Evans	Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	Kirby	E Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
N Cantrell	Y Fludd	Y LaRiccia	N Rhodes	Y Weldon
Y Carson	E Frazier	Y Lott	Y Rice	N Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	N Rogers, T	Y Wilkinson
N Casas	Y Gasaway	E Marin	N Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Y Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	N Setzler	Y Williams, E
N Clark, H	E Gordon	Y McCall	Y Sharper	N Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 128, nays 33.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 1543. By Representative Stovall of the 74th:

A RESOLUTION recognizing and commending Reverend Dr. Angela Arnold-Witherow; and for other purposes.

HR 1544. By Representatives Taylor of the 173rd, Watson of the 172nd and Carter of the 175th:

A RESOLUTION honoring the life and memory of Mr. Robert C. "Hutch" Hutchison, Sr.; and for other purposes.

HR 1545. By Representatives McCall of the 33rd, Watson of the 172nd, England of the 116th, Dickey of the 140th, LaRiccia of the 169th and others:

A RESOLUTION commending the Georgia peanut industry and recognizing March 16, 2016, as Peanut Butter and Jelly Day at the capitol; and for other purposes.

HR 1546. By Representatives Williams of the 119th, McCall of the 33rd, England of the 116th, Quick of the 117th and Frye of the 118th:

A RESOLUTION honoring J. Scott Angle, President and CEO of the International Fertilizer Development Center; and for other purposes.

HR 1547. By Representatives Stephens of the 164th, Stephens of the 165th, Hitchens of the 161st and Gordon of the 163rd:

A RESOLUTION honoring Visit Savannah in its 40th year; and for other purposes.

HR 1548. By Representatives Williams of the 119th, Quick of the 117th, Hitchens of the 161st, Tanner of the 9th and Welch of the 110th:

A RESOLUTION recognizing Chief Lee E. O'Dillon for 30 years of service to the City of Watkinsville; and for other purposes.

HR 1549. By Representatives Kidd of the 145th, Houston of the 170th, England of the 116th, Meadows of the 5th, Oliver of the 82nd and others:

A RESOLUTION recognizing and commending Chase Jones; and for other purposes.

HR 1550. By Representatives Dawkins-Haigler of the 91st, Stephenson of the 90th and Dickerson of the 113th:

A RESOLUTION recognizing the Resource Center for Community Action; and for other purposes.

HR 1551. By Representatives Dawkins-Haigler of the 91st, Stephenson of the 90th and Dickerson of the 113th:

A RESOLUTION recognizing Boyz to Men of Honor, Inc. (B2MH); and for other purposes.

HR 1552. By Representatives Dawkins-Haigler of the 91st and Stephenson of the 90th:

A RESOLUTION commending Angie's House, Inc.; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 954. By Representatives Efstoration of the 104th, Cooper of the 43rd, Abrams of the 89th, England of the 116th, Trammell of the 132nd and others:

A BILL to be entitled an Act to amend Title 29 of the O.C.G.A., relating to guardian and ward, so as to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to provide for a short title; to provide for definitions; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, so as to enact the "Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act"; to provide for a short title; to provide for definitions; to provide for international application; to provide for communications and cooperation between courts; to provide for taking testimony in another state; to provide for jurisdiction and special

jurisdiction; to provide for jurisdiction declined by reason of conduct; to provide for notice of proceedings and proceedings in more than one state; to provide for transfer of guardianship or conservatorship to another state; to provide for acceptance of guardianship or conservatorship transferred from another state; to provide for registration and recognition from other states; to provide for uniformity of application and construction; to provide for relation to electronic signature; to provide for applicability; to repeal certain provisions relating to procedure and transfers of guardianship and conservatorship; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is amended by adding a new chapter to read as follows:

"CHAPTER 11
ARTICLE 1

29-11-1.

This chapter shall be known and may be cited as the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act.'

29-11-2.

As used in this chapter, the term:

- (1) 'Conservatorship order' means an order appointing a conservator or other order related to management of an adult's property.
- (2) 'Conservatorship proceeding' means a judicial proceeding in which a conservatorship order is sought or has been issued.
- (3) 'Emergency' means a circumstance that likely will result in substantial harm to a respondent's health, safety, or welfare and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf.
- (4) 'Guardianship order' means an order appointing a guardian.
- (5) 'Guardianship proceeding' means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.
- (6) 'Home state' means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a conservatorship order or the appointment of a guardian or, if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition.
- (7) 'Incapacitated person' means an adult for whom a guardian has been appointed.

(8) 'Party' means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship proceeding or conservatorship proceeding.

(9) 'Person,' except in the term 'incapacitated person' or 'protected person,' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

(10) 'Protected person' means an adult for whom a conservatorship order has been issued.

(11) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) 'Respondent' means an adult for whom a conservatorship order or the appointment of a guardian is sought.

(13) 'Significant-connection state' means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

(14) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

29-11-3.

A court of this state may treat a foreign country as if it were a state for the purpose of applying this article and Articles 2, 3, and 5 of this chapter.

29-11-4.

(a) A court of this state may communicate with a court in another state concerning a proceeding arising under this chapter. The court may allow the parties to participate in the communication. Except as otherwise provided in subsection (b) of this Code section, the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.

(b) Courts may communicate concerning schedules, calendars, court records, and other administrative matters without making a record.

29-11-5.

(a) In a guardianship proceeding or conservatorship proceeding in this state, a court of this state may request the appropriate court of another state to do any of the following:

(1) Hold an evidentiary hearing;

(2) Order a person in that state to produce evidence or give testimony pursuant to procedures of that state;

(3) Order that an evaluation or assessment be made of the respondent;

(4) Order any appropriate investigation of a person involved in a proceeding;

(5) Forward to the court of this state a certified copy of the transcript or other record of a hearing under paragraph (1) of this subsection or any other proceeding, any

evidence otherwise produced under paragraph (2) of this subsection, and any evaluation or assessment prepared in compliance with an order under paragraph (3) or (4) of this subsection;

(6) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated person or protected person; or

(7) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. 160.103, as amended.

(b) If a court of another state in which a guardianship proceeding or conservatorship proceeding is pending requests a court of this state to do any action included in subsection (a) of this Code section, such court of this state shall have jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

29-11-6.

(a) In a guardianship proceeding or conservatorship proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

(b) In a guardianship proceeding or conservatorship proceeding, a court in this state may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. A court of this state shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the best evidence rule as provided for under Chapter 10 of Title 24.

ARTICLE 2

29-11-10.

In determining under Code Section 29-11-12 and subsection (e) of Code Section 29-11-20 whether a respondent has a significant connection with a particular state, the court shall consider:

(1) The location of the respondent's family and other persons required to be notified of the guardianship proceeding or conservatorship proceeding;

(2) The length of time the respondent at any time was physically present in the state and the duration of any absence;

(3) The location of the respondent's property; and

(4) The extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship, and receipt of services.

29-11-11.

This article provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a conservatorship order for an adult.

29-11-12.

A court of this state has jurisdiction to appoint a guardian or issue a conservatorship order for a respondent if:

(1) This state is the respondent's home state;

(2) On the date the petition is filed, this state is a significant-connection state and:

(A) The respondent does not have a home state or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum; or

(B) The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the court makes the appointment or issues the order:

(i) A petition for an appointment or order is not filed in the respondent's home state;

(ii) An objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding; and

(iii) The court in this state concludes that it is an appropriate forum under the factors set forth in Code Section 29-11-15;

(3) This state does not have jurisdiction under either paragraph (1) or (2) of this Code section, the respondent's home state and all significant-connection states have declined to exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in this state is consistent with the Constitutions of this state and the United States; or

(4) The requirements for special jurisdiction under Code Section 29-11-13 are met.

29-11-13.

(a) A court of this state lacking jurisdiction under paragraphs (1) through (3) of Code Section 29-11-12 has special jurisdiction to do any of the following:

(1) Appoint a guardian in an emergency for a term not exceeding 90 days for a respondent who is physically present in this state;

(2) Issue a conservatorship order with respect to real or tangible personal property located in this state; or

(3) Appoint a guardian or conservator for an incapacitated person or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to Code Section 29-11-20.

(b) If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

29-11-14.

Except as otherwise provided in Code Section 29-11-13, a court that has appointed a guardian or issued a conservatorship order consistent with this chapter shall have exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own terms.

29-11-15.

(a) A court of this state having jurisdiction under Code Section 29-11-12 to appoint a guardian or conservator may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(b) If a court of this state declines to exercise its jurisdiction under subsection (a) of this Code section, it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a conservatorship order be filed promptly in another state.

(c) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

(1) Any expressed preference of the respondent;

(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;

(3) The length of time the respondent was physically present in or was a legal resident of this or another state;

(4) The distance of the respondent from the court in each state;

(5) The financial circumstances of the respondent's estate;

(6) The nature and location of the evidence;

(7) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(8) The familiarity of the court of each state with the facts and issues in the proceeding; and

(9) If an appointment were made, the court's ability to monitor the conduct of the guardian or conservator.

29-11-16.

(a) If at any time a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a conservatorship order because of unjustifiable conduct, the court may:

(1) Decline to exercise jurisdiction;

(2) Exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a conservatorship order is filed in a court of another state having jurisdiction; or

(3) Continue to exercise jurisdiction after considering:

(A) The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) Whether it is a more appropriate forum than the court of any other state under the factors set forth in subsection (c) of Code Section 29-11-15; and

(C) Whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of Code Section 29-11-12.

(b) If a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a conservatorship order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by law other than this chapter.

29-11-17.

If a petition for the appointment of a guardian or issuance of a conservatorship order is brought in this state and this state was not the respondent's home state on the date the petition was filed, in addition to complying with the notice requirements of this state, notice of the petition must be given to those persons that would be entitled to notice of the petition if a proceeding were brought in the respondent's home state. The notice must be given in the same manner as notice is required to be given in this state.

29-11-18.

Except for a petition for the appointment of a guardian in an emergency or issuance of a conservatorship order limited to property located in this state under paragraph (1) or (2) of subsection (a) of Code Section 29-11-13, if a petition for the appointment of a guardian or issuance of a conservatorship order is filed in this state and in another state and neither petition has been dismissed or withdrawn, the following rules shall apply:

(1) If the court in this state has jurisdiction under Code Section 29-11-12, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to Code Section 29-11-12 before the appointment or issuance of the order; and

(2) If the court in this state does not have jurisdiction under Code Section 29-11-12, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the

court in the other state. If the court in the other state has jurisdiction, the court in this state shall dismiss the petition unless the court in the other state determines that the court in this state is a more appropriate forum.

ARTICLE 3

29-11-20.

(a) A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

(b) Notice of a petition under subsection (a) of this Code section shall be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian or conservator.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated person or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (a) of this Code section.

(d) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(1) The incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

(3) Plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

(e) The court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds that:

(1) The protected person is physically present in or is reasonably expected to move permanently to the other state or the protected person has a significant connection to the other state considering the factors in Code Section 29-11-10;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(3) Adequate arrangements will be made for management of the protected person's property.

(f) The court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of:

(1) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to Code Section 29-11-21; and

(2) The documents required to terminate a guardianship or conservatorship in this state.

29-11-21.

(a) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to Code Section 29-11-20, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(b) Notice of a petition under subsection (a) of this Code section shall be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a conservatorship order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated person or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a) of this Code section.

(d) The court shall issue an order provisionally granting a petition filed under subsection (a) of this Code section unless:

(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated person or protected person; or

(2) The guardian or conservator is ineligible for appointment in this state.

(e) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to Code Section 29-11-20 transferring the proceeding to this state.

(f) Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

(g) In granting a petition under this Code section, the court shall recognize a guardianship order or conservatorship order from the other state, including the determination of the incapacitated person's or protected person's incapacity and the appointment of the guardian or conservator.

(h) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in this state under Article 2 of Chapter 4 and Article 2 of Chapter 5 of this title if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

ARTICLE 429-11-30.

If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, certified copies of the order and letters of office.

29-11-31.

If a conservator has been appointed in another state and a petition for a conservatorship order is not pending in this state, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the conservatorship order in this state by filing as a foreign judgment in a court of this state, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond.

29-11-32.

(a) Upon registration of a guardianship order or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except as prohibited under the laws of this state, including maintaining actions and proceedings in this state and, if the guardian or conservator is not a resident of this state, subject to any conditions imposed upon nonresident parties.

(b) A court of this state may grant any relief available under this chapter and other law of this state to enforce a registered order.

ARTICLE 529-11-40.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

29-11-41.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

29-11-42.

(a) This chapter shall apply to guardianship proceedings and conservatorship proceedings begun on or after July 1, 2016.

(b) Articles 1, 3, and 4 of this chapter and Code Sections 29-11-40 and 29-11-41 shall apply to proceedings begun before July 1, 2016, regardless of whether a guardianship order or conservatorship order has been issued."

SECTION 2.

Said title is further amended by repealing Parts 2 and 3 of Article 9 of Chapter 4, relating, respectively, to procedure and transfer of guardianship, and designating said parts as reserved.

SECTION 3.

Said title is further amended by repealing Parts 2 and 3 of Article 13 of Chapter 5, relating to transfer of conservatorship, and designating said parts as reserved.

SECTION 4.

Said title is further amended by revising subsection (a) of Code Section 29-4-95, relating to the definition of "foreign guardian" and the sale of ward's property, as follows:

"(a) For purposes of this part, a 'foreign guardian' is a guardian or other person who has been given responsibility by a court of competent jurisdiction in another state or territory governed by the Constitution of the United States for the care of an incapacitated adult referred to as the 'ward' and whose guardianship has not been transferred to and accepted in this state pursuant to the provisions of ~~Part 2 of this article~~ Article 3 of Chapter 11 of this title."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 29-5-135, relating to the definition of "foreign conservator" and the sale or disposal of property, as follows:

"(a) For purposes of this part, the term 'foreign conservator' means a conservator or other person who has been given responsibility by a court of competent jurisdiction in another state or territory governed by the Constitution of the United States for the care of the property of an incapacitated adult, referred to as the ward, and whose conservatorship has not been transferred to and accepted in this state pursuant to the provisions of ~~Part 2 of this article~~ Article 3 of Chapter 11 of this title."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstraction	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	E Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 654. By Representatives Scott of the 76th, Jordan of the 77th, Stovall of the 74th, Waites of the 60th, Anderson of the 92nd and others:

A BILL to be entitled an Act to amend Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, so as to require such studios to post notification that certain tattoos could disqualify the wearer from military service; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, so as to require such studios to post notification that certain tattoos could disqualify the wearer from military service; to provide for a criminal penalty; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 40 of Title 31 of the Official Code of Georgia Annotated, relating to tattoo studios, is amended by adding a new Code section to read as follows:

"31-40-11.

(a) Each tattoo studio shall conspicuously display in a prominent place easily seen by patrons immediately upon entering the tattoo studio a printed warning sign stating the following: 'WARNING: YOU WILL LIKELY BE DISQUALIFIED FROM JOINING THE MILITARY IF YOU HAVE A TATTOO ON YOUR FACE, NECK, FOREARM, HAND, WRIST, OR LOWER LEG.' Such sign shall consist entirely of letters that are at least one inch high.

(b) Any tattoo studio that fails to comply with subsection (a) of this Code section shall receive a warning for a first offense, pay a \$25.00 fine for a second offense, pay a \$75.00 fine for a third offense, and pay a \$300.00 fine for a fourth or subsequent offense. Any fines paid pursuant to this subsection shall be paid to the county board of health in the county in which such tattoo studio is located.

(c) Pursuant to Code Section 31-40-5, county boards of health shall adopt and promulgate rules and regulations for the enforcement of this Code section."

SECTION 2.

This Act shall become effective on June 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	N Cooke	N Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	N Smith, L
E Allison	Y Cooper	N Hatchett	N Morris	Y Smith, M
N Atwood	N Corbett	Y Hawkins	Y Mosby	Y Smith, R

E Ballinger	Y Dawkins-Haigler	Y Henson	N Nimmer	Y Smyre
N Barr	Y Deffenbaugh	N Hightower	Y Nix	N Spencer
N Battles	N Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Stephens, R
Y Belton	N Dickey	N Holmes	N Parrish	Y Stephenson
E Bennett, K	Y Dickson	N Houston	Y Parsons	Y Stovall
Y Bennett, T	N Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	N Strickland
N Benton	Y Drenner	E Jackson	E Pezold	N Tankersley
Y Beskin	N Dudgeon	N Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	Y Jones, J	N Powell, A	N Tarvin
N Blackmon	E Dunahoo	N Jones, J.B.	N Powell, J	E Taylor, D
N Broadrick	N Duncan	E Jones, L	N Price	Taylor, T
N Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	N Efstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	N Kaiser	N Quick	Y Thomas, E
Y Buckner	N England	N Kelley	N Raffensperger	Y Trammell
Y Burns	N Epps	Y Kendrick	Y Rakestraw	N Turner
N Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	N Fleming	Kirby	Y Randall	N Watson
E Cannon	E Floyd	Y Knight	N Reeves	Welch
N Cantrell	Y Fludd	N LaRiccica	N Rhodes	Y Weldon
N Carson	Y Frazier	N Lott	N Rice	N Werkheiser
Y Carter, A	N Frye	N Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	N Rogers, T	N Wilkinson
N Casas	N Gasaway	E Marin	N Rutledge	Y Willard
Y Chandler	N Gilligan	N Martin	N Rynders	Y Williams, A
Cheokas	Glanton	Y Maxwell	Y Scott	N Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
N Clark, H	E Gordon	N McCall	Y Sharper	N Williamson
Y Clark, V	N Gravley	Y McClain	N Shaw	Yates
Y Coleman	N Greene	Meadows	N Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 76, nays 78.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Abrams of the 89th gave notice that at the proper time she would move that the House reconsider its action in failing to give the requisite constitutional majority to HB 654.

By unanimous consent, the following Bill of the House was postponed until the next legislative day:

HB 1053. By Representative Taylor of the 173rd:

A BILL to be entitled an Act to amend an Act creating a new board of education of Grady County, approved March 5, 1968 (Ga. L. 1968, p. 2120), as amended, so as to provide that members of the board of education shall be elected on a nonpartisan basis; to provide for continuation in office of current

members of the board; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following report of the Committee on Rules was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
FRIDAY, FEBRUARY 26, 2016

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Modified Open Rule

- HB 781 Local government; individuals appointed to authorities and boards be United States citizens; require (Substitute)(GAff-Raffensperger-50th)
- HB 795 Georgia Driver's Education Commission; transfer from Department of Driver Services to the Governor's Office of Highway Safety (Substitute)(MotV-Epps-144th)
- HB 952 "Georgia Professional Regulation Reform Act"; enact (Substitute) (SBD-Nimmer-178th)
- HB 1064 Public Safety, Department of; off-duty use of motor vehicles; revise provisions (Substitute)(PS&HS-Hitchens-161st)
- HB 1072 Education; service cancelable loan fund; remove ineligibility for such loans for members of the Georgia National Guard also receiving HOPE (HEd-Coomer-14th)

Modified Structured Rule

- HB 499 Motor vehicles; nonrenewal and nonissuance of driver's licenses for certain reasons; provide (Substitute)(MotV-Powell-32nd)
- HB 677 State government; casino gambling; provide limited number of licensed resort facilities; provisions (Substitute)(RegI-Stephens-164th) (AM 36 0540)
- HB 920 Health; hospitals and related institutions; restrict civil actions against passive investors in nursing homes and intermediate care homes (Substitute)(Judy-Kelley-16th)
- HB 973 Public Safety, Department of; regulation of towing service providers operating on interstate highways; provisions (Substitute) (Trans-Coomer-14th)(AM 39 0159)

- HB 1073 Juvenile Code; procedure in juvenile courts; change provisions
(JuvJ-Strickland-111th)
- HR 807 Casino resorts; local authorization of limited number of licensed resorts;
provide - CA (Substitute)(RegI-Stephens-164th)

Structured Rule

- HB 951 Sales and use tax; admissions to major sporting events; create exemption
(Substitute)(W&M-Nimmer-178th)
- HB 991 Ad valorem tax; property; change certain definitions (Substitute)
(W&M-Hitchens-161st)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

By unanimous consent, the following Bill and Resolution of the House were postponed until the next legislative day:

- HB 677. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd, Evans of the 42nd and Marin of the 96th:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government; to amend Title 13 of the O.C.G.A., relating to contracts; to amend Title 16 of the O.C.G.A., relating to crimes and offenses; to provide for related matters; to provide for a contingent effective date and repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HR 807. By Representatives Stephens of the 164th, Rogers of the 29th, Harbin of the 122nd, Evans of the 42nd, Kidd of the 145th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the local authorization of a limited number of licensed casino resorts within the state; to authorize the operation and regulation of limited casino gaming within the state; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1073. By Representatives Strickland of the 111th and Weldon of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to change provisions relating to procedure in juvenile courts; to provide that adoption proceedings be stayed while an appeal of an order to terminate rights is pending; to clarify the court's duties to a case while an appeal is pending; to clarify provisions relating to the waiver of the right to counsel; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	E Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Y Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRicca	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 155, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 781. By Representatives Raffensperger of the 50th, Rynders of the 152nd, Jones of the 167th, Taylor of the 173rd, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens; to provide for other residency requirements; to provide for a definition; to provide for enforcement; to provide an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, further consideration of HB 781 was suspended until later in the legislative day.

HB 1064. By Representatives Hitchens of the 161st, Welch of the 110th, Lumsden of the 12th, Tanner of the 9th and Taylor of the 79th:

A BILL to be entitled an Act to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to revise provisions for the off-duty use of motor vehicles by certain law enforcement officers of the department relative to approved off-duty employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to revise provisions for the off-duty use of motor vehicles by certain law enforcement officers of the department relative to approved off-duty employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended by revising Code Section 35-2-56, relating to use of motor vehicles or other equipment by members of Uniform Division, as follows:

"35-2-56.

(a) Except as otherwise provided in subsection (b) of this Code section, no department motor vehicles shall be used by any member of the Uniform Division except in discharge of official duties. Any other equipment shall be used only with the express written approval of the commissioner. The commissioner shall adopt rules and regulations governing the use of equipment subject to approval of the Board of Public Safety.

(b)(1) Members of the Uniform Division may use a department motor vehicle while working an ~~approved~~ off-duty job that requires vested police powers as a condition of employment if such job has been approved by the commissioner, provided that no employee shall, for purposes of this subsection, use a department motor vehicle at any political function:

~~(A) The off duty employment is of a general nature that is the subject of a contract between the off duty employer and the Department of Public Safety and is service in which the use of the department motor vehicle is a benefit to the department or is in furtherance of the department's mission;~~

~~(B) The off duty employer agrees to pay and does pay to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off duty employee sufficient compensation. Pursuant to such contract, the department shall pay the employee of the department the compensation earned on off duty employment whenever such employee performs such service in a department motor vehicle; and~~

~~(C) The commissioner has specifically approved, in writing, the individual use of the vehicle by the employee.~~

~~(2) At no time will an off duty employee be allowed use of a department motor vehicle at any political function of any kind.~~

(c) The commissioner, in his or her sole discretion, in granting approval for such off-duty job, or at any instance or interval thereafter, but prior to the use of such vehicle, shall determine whether the off-duty employer provided for in subsection (b) of this Code section shall reimburse the department for use of the vehicle. When reimbursement is required, such off-duty employer shall enter into a written agreement with the department to pay the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such agreement, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle."

SECTION 2.

Said chapter is further amended in Code Section 35-2-101, relating to jurisdiction, duties and powers, use of dogs to detect controlled substances, and off-duty use vehicles, by revising subsection (e) as follows:

"(e)(1) Certified law enforcement officers employed by the Motor Carrier Compliance Enforcement Section may use a department motor vehicle while working an ~~approved~~ off-duty job that requires vested police powers as a condition of employment if such job has been approved by the commissioner, provided that no employee shall, for purposes of this subsection, use a department motor vehicle at any political function:

~~(A) The off duty employment is of a general nature that is the subject of a contract between the off duty employer and the department and is service in which the use of the department motor vehicle is a benefit to the department or is in furtherance of the department's mission;~~

~~(B) The off duty employer agrees to pay and does pay to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off duty employee sufficient compensation. Pursuant to such contract, the department shall pay the employee of the department the compensation earned on off duty employment whenever such employee performs such service in a department motor vehicle; and~~

~~(C) The commissioner has specifically approved, in writing, the individual use of the vehicle by the employee.~~

(2) ~~At no time will an off duty employee be allowed use of a department motor vehicle at any political function of any kind~~ The commissioner, in his or her sole discretion, in granting approval for such off-duty job, or at any instance or interval thereafter, but prior to the use of such vehicle, shall determine whether the off-duty employer provided for in paragraph (1) of this subsection shall reimburse the department for use of the vehicle. When reimbursement is required, such off-duty employer shall enter into a written agreement with the department to pay the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such agreement, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle."

SECTION 3.

Said chapter is further amended by revising Code Section 35-2-123, relating to use of vehicles by off-duty law enforcement officer, as follows:

"35-2-123.

(a) Certified law enforcement officers employed by the division shall be authorized to use official vehicles while engaging in ~~approved~~ off-duty employment that requires vested police powers as a condition of employment if the off-duty employment has

been approved by the commissioner, provided that no employee shall, for purposes of this subsection, use a department motor vehicle at any political function:

- ~~(1) The off duty employment is related to a contract between the off duty employer and the department and is service in which the use of the official vehicle is a benefit to the department or is in furtherance of the department's mission;~~
 - ~~(2) The off duty employer pays to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the official vehicle; and~~
 - ~~(3) The commissioner has approved, in writing, the individual use of the official vehicle by the law enforcement officer.~~
- ~~(b) At no time shall an off duty law enforcement officer be allowed the use of an official vehicle at a political function of any kind The commissioner, in his or her sole discretion, in granting approval for such off-duty job, or at any instance or interval thereafter, but prior to the use of such vehicle, shall determine whether the off-duty employer provided for in subsection (a) of this Code section shall reimburse the department for use of the vehicle. When reimbursement is required, such off-duty employer shall enter into a written agreement with the department to pay the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle. Pursuant to such agreement, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle.~~"

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D

Y Broadrick	Y Duncan	E Jones, L	Y Price	Y Taylor, T
Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 499. By Representatives Powell of the 32nd, Parsons of the 44th, Smyre of the 135th, Kaiser of the 59th and Rice of the 95th:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for the nonrenewal and nonissuance of driver's licenses for certain reasons; to provide for the nonrenewal and nonissuance of motor vehicle registrations for certain reasons; to provide for automated traffic enforcement safety devices in school zones; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, so as to provide for automated traffic enforcement safety devices in school zones; to provide for definitions; to provide for the operation of automated traffic enforcement safety devices by agents or registered or certified peace officers; to provide for automated traffic enforcement safety device testing exceptions and procedures; to provide for automated traffic enforcement safety device use warning

signs; to provide for further exceptions for when case may be made and conviction had for exceeding posted speed limit by less than ten miles per hour; to provide for an exception for the ratio of speeding fines to an agency budget; to provide for civil enforcement of violations recorded by automated traffic enforcement safety devices; to provide for rules, regulations, and terms of use for automated traffic enforcement safety devices; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices, is amended by adding two new Code sections to read as follows:

"40-14-1.1.

As used in this article, the term:

(1) 'Agent' means a person or entity who is authorized by a law enforcement agency or governing body to administer the procedures contained herein and:

(A) Provides services to such law enforcement agency or governing body;

(B) Operates, maintains, leases, or licenses an automated traffic enforcement safety device; or

(C) Is authorized by such law enforcement agency or governing body to review and assemble the recorded images captured by the automated traffic enforcement safety device for review by a peace officer.

(2) 'Automated traffic enforcement safety device' means a speed detection device that:

(A) Is capable of producing photographically recorded still or video images, or both, of the rear of a motor vehicle or of the rear of a motor vehicle being towed by another vehicle, including an image of such vehicle's rear license plate;

(B) Is capable of monitoring the speed of a vehicle as photographically recorded pursuant to subparagraph (A) of this paragraph; and

(C) Indicates on each of the one or more photographically recorded still or video images produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked school zone.

(3) 'Owner' means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company.

(4) 'Recorded images' means still or video images recorded by an automated traffic enforcement safety device.

(5) 'School zone' means any roadway within 1,000 feet of the perimeter of the property of any public or private elementary school or secondary school.

40-14-1.2.

Nothing in this article shall be construed to mean that an agent is providing or participating in private investigative services or acting in such a manner as would render such agent subject to the provisions of Article 4 of Chapter 18 of Title 50."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 40-14-2, relating to permit required for use of speed detection devices, use not authorized where officers paid on fee system, and operation by registered or certified peace officers, as follows:

"(c) A permit shall not be issued by the Department of Public Safety to an applicant under this Code section unless the applicant provides law enforcement services by certified peace officers 24 hours a day, seven days a week on call or on duty or allows only peace officers employed full time by the applicant to operate speed detection devices. Speed detection devices can only be operated by registered or certified peace officers of the county sheriff, county, municipality, college, or university to which the permit is applicable; provided, however, that an automated traffic enforcement safety device may be operated by an agent or registered or certified peace officers of the county sheriff, county, or municipality to which the permit is applicable. Persons operating the speed detection devices must be registered or certified by the Georgia Peace Officer Standards and Training Council as peace officers and certified by the Georgia Peace Officer Standards and Training Council as operators of speed detection devices; provided, however, that agents may operate automated traffic enforcement safety devices without such registrations or certifications."

SECTION 3.

Said article is further amended by revising Code Section 40-14-5, relating to testing and removal of inaccurate radar devices from service, as follows:

"40-14-5.

(a) Each state, county, municipal, or campus law enforcement officer using a radar device, except for an automated traffic enforcement safety device as provided for under Code Section 40-14-18, shall test the device for accuracy and record and maintain the results of the test at the beginning and end of each duty tour. Each such test shall be made in accordance with the manufacturer's recommended procedure. Any radar unit not meeting the manufacturer's minimum accuracy requirements shall be removed from service and thereafter shall not be used by the state, county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

(b) Each county, municipal, or campus law enforcement officer using a radar device, except for an automated traffic enforcement safety device as provided for under Code Section 40-14-18, shall notify each person against whom the officer intends to make a case based on the use of the radar device that the person has a right to request the officer to test the radar device for accuracy. The notice shall be given prior to the time

a citation and complaint or ticket is issued against the person and, if requested to make a test, the officer shall test the radar device for accuracy. In the event the radar device does not meet the minimum accuracy requirements, the citation and complaint or ticket shall not be issued against the person, and the radar device shall be removed from service and thereafter shall not be used by the county, municipal, or campus law enforcement agency until it has been serviced, calibrated, and recertified by a technician with the qualifications specified in Code Section 40-14-4.

(c)(1) The law enforcement agency, or agent on behalf of the law enforcement agency, operating an automated traffic enforcement safety device provided for under Code Section 40-14-18 shall maintain a log for the automated traffic enforcement safety device attesting to the performance of such device's self-test at least once every 30 days and the results of such self-test pertaining to the accuracy of the automated traffic enforcement safety device. Such log shall be admissible in any court proceeding for a violation issued pursuant to Code Section 40-14-18.

(2) The law enforcement agency, or agent on behalf of the law enforcement agency, operating an automated traffic enforcement safety device shall have performed an independent calibration test on the automated traffic enforcement safety device at least once every 12 months. The results of such calibration test shall be admissible in any court proceeding for a violation issued pursuant to Code Section 40-14-18."

SECTION 4.

Said article is further amended by adding a new subsection to Code Section 40-14-6, relating to the requirement for warning signs, to read as follows:

"(c) In addition to the signs required under subsections (a) and (b) of this Code section, each law enforcement agency using an automated traffic enforcement safety device as provided for in Code Section 40-14-18 shall erect signs warning of the use of a stationary speed detection device within the approaching school zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. Such signs shall be placed within 500 feet prior to the warning sign announcing the reduction of the speed limit for the school speed zone."

SECTION 5.

Said article is further amended by revising Code Section 40-14-7, relating to the visibility of a vehicle from which a speed detection device is operated, as follows:

"40-14-7.

~~No~~ Except as provided for in Code Section 40-14-18, no stationary speed detection device shall be employed by county, municipal, college, or university law enforcement officers where the vehicle from which the device is operated is obstructed from the view of approaching motorists or is otherwise not visible for a distance of at least 500 feet."

SECTION 6.

Said article is further amended by revising subsection (b) of Code Section 40-14-8, relating to when case may be made and conviction had, as follows:

"(b) The limitations contained in subsection (a) of this Code section shall not apply in properly marked school zones one hour before, during, and one hour after the normal hours of school operation or programs for care and supervision of students before school, after school, or during vacation periods as provided for under Code Section 20-2-65, in properly marked historic districts, and in properly marked residential zones. For purposes of this chapter, thoroughfares with speed limits of 35 miles per hour or more shall not be considered residential districts. For purposes of this Code section, the term 'historic district' means a historic district as defined in paragraph (5) of Code Section 44-10-22 and which is listed on the Georgia Register of Historic Places or as defined by ordinance adopted pursuant to a local constitutional amendment."

SECTION 7.

Said article is further amended by revising subsection (d) of Code Section 40-14-11, relating to investigations by the commissioner of public safety, issuance of order suspending or revoking a permit, and ratio of speeding fines to agency's budget, as follows:

"(d) There shall be a rebuttable presumption that a law enforcement agency is employing speed detection devices for purposes other than the promotion of the public health, welfare, and safety if the fines levied based on the use of speed detection devices for speeding offenses are equal to or greater than 35 percent of a municipal or county law enforcement agency's budget. For purposes of this Code section, fines collected for citations issued for violations of Code Section 40-6-180 shall be included when calculating total speeding fine revenue for the agency; provided, however, that fines for speeding violations exceeding 20 miles per hour over the established speed limit and fines for speeding violations issued pursuant to Code Section 40-14-18 shall not be considered when calculating total speeding fine revenue for the agency."

SECTION 8.

Said article is further amended by adding a new Code section to read as follows:

"40-14-18.

(a) The speed limit within any school zone as provided for in Code Section 40-14-8 and marked pursuant to Code Section 40-14-6 may be enforced by using recorded images for violations which occurred during the time periods relative to normal hours of school operation and programs of care and supervision of students as provided for in Code Section 40-14-8 when such violations are in excess of ten miles per hour over the speed limit.

(b) For the purpose of enforcement pursuant to this Code section:

(1) The driver of a motor vehicle shall be liable for a civil monetary penalty if such vehicle is found, as evidenced by recorded images, to have been operated in disregard or disobedience of the speed limit within any school zone and such disregard or

disobedience was not otherwise authorized by law. The amount of such fine shall be \$125.00, in addition to fees associated with the electronic processing of such fine which shall not exceed \$25.00; provided, however, that for a period of 30 days after an automated traffic enforcement safety device is first introduced within a school zone, other than an automated traffic enforcement safety device replacing a previously used automated traffic enforcement safety device, the driver of a motor vehicle shall not be liable for a civil monetary penalty but shall be issued a civil warning for disregard or disobedience of the speed limit within the school zone;

(2) A law enforcement agency authorized to enforce the speed limit of a school zone shall send by first class mail addressed to the owner of the motor vehicle postmarked within 30 days after obtaining the name and address of the owner of the motor vehicle but no later than 60 days after the date of the alleged violation:

(A) A citation for the alleged violation, which shall include the date and time of the violation, the location of the infraction, the maximum speed at which such motor vehicle was traveling in recorded images, the maximum speed applicable within such school zone, the civil warning or the amount of the civil monetary penalty imposed, and the date by which a civil monetary penalty shall be paid;

(B) An image taken from the recorded images showing the vehicle involved in the infraction;

(C) A website address where recorded images showing the vehicle involved in the infraction and a duplicate of the information provided for in this paragraph may be viewed;

(D) A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency authorized to enforce the speed limit of the school zone and stating that, based upon inspection of recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law;

(E) A statement of the inference provided by paragraph (4) of this subsection and of the means specified therein by which such inference may be rebutted;

(F) Information advising the owner of the motor vehicle of the manner and time in which liability as alleged in the citation may be contested through an administrative hearing; and

(G) A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner as provided for in subsection (d) of this Code section shall waive any right to contest liability;

(3) Proof that a motor vehicle was operated in disregard or disobedience of the speed limit of the marked school zone shall be evidenced by recorded images. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency and stating that, based upon inspection of recorded images, a motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein; and

(4) Liability under this Code section shall be determined based upon a preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this Code section was operated in violation of the speed limit of the school zone, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(A) Testifies under oath in open court or submits to the court a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation and identifies the name of the operator of the vehicle at the time of the alleged violation; or

(B) Presents to the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.

(c) A violation for which a civil warning or a civil penalty is imposed pursuant to this Code section shall not be considered a moving traffic violation for the purpose of points assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil warning or civil penalty pursuant to this Code section shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.

(d) If a person issued and mailed a citation pursuant to subsection (b) of this Code section fails to pay the penalty for the violation or has not filed a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section in no less than 30 nor more than 60 days after such mailing as determined and noticed by the law enforcement agency, the agent or law enforcement agency shall send to such person by first class mail a second notice of any unpaid civil penalty, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil penalty shall be imposed. The second notice shall include all information required in paragraph (2) of subsection (b) of this Code section and shall include a new date of return which shall be no less than 30 days after such mailing as determined and noticed by the law enforcement agency. If such person notified by second notice again fails to pay the penalty or file a police report or notarized statement pursuant to paragraph (4) of subsection (b) of this Code section by the new date of return, such person shall have waived the right to contest the violation and shall be liable for the civil monetary penalty provided for under this Code section, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil penalty shall be imposed.

(e) Notices mailed by first class mail pursuant to this Code section shall be adequate notification of the fees and penalties imposed by this Code section. No other notice shall be required for the purposes of this Code section.

(f) Any court having jurisdiction over violations of the speed limit in the school zone shall have jurisdiction over cases arising under this Code section and shall be authorized to impose the civil monetary penalty. The provisions of law governing

jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations of the speed limit in the school zone shall apply to enforcement under this Code section, except as otherwise provided in this Code section; provided, however, that any appeal from superior or state court shall be by application in the same manner as that provided by Code Section 5-6-35.

(g) Recorded images made for purposes of this Code section shall not be a public record for purposes of Article 4 of Chapter 18 of Title 50.

(h) A civil warning or penalty under this Code section on the owner of a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation."

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	N Harrell	Y Mitchell	N Smith, L
E Allison	Y Cooper	Y Hatcher	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
Y Bennett, T	Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	N Dudgeon	Y Jasperse	N Pirkle	Tanner
Y Beverly	Y Dukes	Jones, J	Y Powell, A	N Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	E Jordan	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Thomas, E
Y Buckner	Y England	Y Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	N Kendrick	N Rakestraw	N Turner
Y Caldwell, J	Y Evans	Y Kidd	Ramsey	Y Waites
N Caldwell, M	Y Fleming	N Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
N Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Werkheiser
Y Carter, A	Y Frye	Y Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casaw	Y Gasaway	E Marin	Y Rutledge	Y Willard

Y Chandler	N Gilligan	E Martin	N Rynders	Y Williams, A
Y Cheokas	Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Golick	Y Mayo	N Setzler	Y Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 122, nays 27.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 920. By Representatives Kelley of the 16th, Powell of the 171st, Fleming of the 121st, Petrea of the 166th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to restrict civil actions against passive investors in nursing homes and intermediate care homes; to provide for definitions; to provide for procedure; to provide for insurance or self-insurance trusts as a condition precedent to obtaining or maintaining a permit to operate a nursing home or intermediate care home; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, so as to restrict civil actions against certain parties involved in nursing homes and intermediate care homes; to provide for definitions; to provide for procedure; to provide for insurance or self-insurance trusts as a condition precedent to obtaining or maintaining a permit to operate a nursing home or intermediate care home; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation of hospitals and related institutions, is amended by adding two new Code sections to read as follows:

"31-7-3.3.

(a) As used in this Code section, the term 'excluded party' means a person or entity that neither performs, has the duty to perform, nor controls the performance of any of the following functions at or on behalf of a nursing home or intermediate care home where alleged injuries occurred:

(1) Providing management, operation, or administrative services for such home;

(2) Hiring or firing of the administrator, director of nursing, or other staff working at such home;

(3) Setting or controlling the budget of such home;

(4) Staffing or determining the level of staff at such home;

(5) Providing direct care, treatment, or services to the residents of such home;

(6) Making decisions regarding the care, treatment, or services provided to residents at such home; or

(7) Adopting, implementing, or enforcing the policies and procedures for such home.

(b) The mere ownership of an entity shall not, by itself, create the duty to perform the functions listed in subsection (a) of this Code section. This subsection shall not limit a claim against an owner of an entity otherwise authorized by law.

(c) An excluded party shall not be named in a civil action that alleges their direct or vicarious liability for the personal injury or death of one or more residents of a nursing home or intermediate care home or a violation of residents' rights at such home under Article 5 of Chapter 8 of this title.

(d) Any person or entity named as a defendant in a civil action or arbitration, who claims to be an excluded party, may serve a notice of such claim upon the plaintiff. Such notice shall be sent to counsel for the plaintiff by certified mail, return receipt requested, or, if the plaintiff does not have an attorney, to the plaintiff personally via certified mail, return receipt requested. Such notice shall be served after the discovery period begins under applicable law for the case but not later than 30 days after such discovery period begins.

(e) If, after the expiration of 90 days from the date the notice described in subsection (d) of this Code section is received, the plaintiff does not agree to a dismissal without prejudice of such defendant claiming to be an excluded party, and:

(1) The court later determines that there is no genuine issue of material fact as to whether such defendant is an excluded party, grants summary judgment to such defendant as to this issue, and such order becomes final after any appeal; or

(2) If an arbitrator enters judgment for such defendant as to this issue and determines that there was not a good faith basis in law and fact for the plaintiff's claim that such defendant was not an excluded party and such order becomes final after any appeal,

then such finding by an arbitrator or final judgment by a court shall be deemed a finding that the plaintiff's claim against such defendant was substantially frivolous, substantially groundless, or substantially vexatious. Upon such a final judgment or finding, such excluded party shall be entitled to an award of reasonable and necessary attorneys' fees and expenses of litigation upon the filing of a motion. The court or arbitrator shall award only such reasonable and necessary attorneys' fees and expenses

of litigation as the court or arbitrator determines were related to the defense of only such excluded party and not to the defense of other defendants in such action, unless otherwise authorized by law. Such attorneys' fees and expenses so awarded shall be assessed against the party asserting such claim, or against such party's attorney, or against both in such manner as is just.

(f) In the event that the plaintiff prevails on any claim against a defendant claiming to be an excluded party, such judgment by a court or arbitrator shall be deemed a finding that the contention by such defendant that it was an excluded party was substantially frivolous, substantially groundless, or substantially vexatious. Upon such a final judgment or finding, the plaintiff shall be entitled to an award of reasonable and necessary attorneys' fees and expenses of litigation upon the filing of a motion. The court or arbitrator shall award only such reasonable and necessary attorneys' fees and expenses of litigation that were incurred in the pursuit of the action against the defendant claiming to be an excluded party, and the plaintiff shall not be entitled to an award of reasonable and necessary attorneys' fees and expenses of litigation that were incurred in the pursuit of the action against other defendants, unless otherwise authorized by law. Such attorneys' fees and expenses so awarded shall be assessed against the party asserting such claim, or against such party's attorney, or against both in such manner as is just.

(g) The time period set forth in subsection (e) of this Code section may be extended by agreement of the parties or by order of the court; provided, however, that if during such time period any party files a motion to stay the case or a motion to compel arbitration, such time period shall be extended for 30 days following the date the court rules on such motion; and provided, further, that if any party files a motion to compel discovery, such period shall be extended until 30 days following the date that the party complies with the court's order to produce discovery, whichever is later.

(h) A defendant which is a licensee shall not identify an excluded party as a potentially at-fault nonparty for purposes of apportionment under Code Section 51-12-33, unless such nonparty has entered into a settlement agreement with the plaintiff or claimant.

31-7-3.4.

(a) As used in this Code section, the term 'nursing home claim' means a claim alleging direct or vicarious liability for the personal injury or death of one or more residents of a nursing home or intermediate care home or a violation of residents' rights at such home under Article 5 of Chapter 8 of this title.

(b)(1) As a condition precedent to obtaining or maintaining a permit under this article to operate a nursing home or intermediate care home, a licensee shall carry or be covered by liability insurance coverages or establish or have established for its benefit a self-insurance trust for a nursing home claim.

(2) Failure to maintain such coverage shall result in the department:

(A) Revoking such licensee's permit issued pursuant to this article to operate the nursing home or intermediate care home;

(B) Denying any application to renew such permit; and

(C) Denying any application for a change of ownership of the nursing home or intermediate care home."

SECTION 2.

This Act shall become effective on July 1, 2016, and shall apply to any claim filed on or after July 1, 2016.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abrams	E Cooke	Y Harden	Y Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	N Dawkins-Haigler	Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Beasley-Teague	N Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	N Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Kaiser	Y Quick	Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Epps	Y Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
E Cannon	E Floyd	Y Knight	Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	E Martin	Y Rynders	Y Williams, A
Y Cheokas	Glanton	Y Maxwell	N Scott	Y Williams, C
E Clark, D	Y Golick	N Mayo	Y Setzler	Y Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 137, nays 14.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 973. By Representatives Coomer of the 14th, Rice of the 95th, Powell of the 32nd, Kaiser of the 59th, Clark of the 101st and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 40 of the O.C.G.A., relating to identification and regulation of motor vehicles, so as to provide for the regulation by the Department of Public Safety of towing service providers operating on interstate highways subject to appropriation by the General Assembly; to provide for definitions; to require annual permits for the operation of towing service providers; to provide for power of the department to establish procedures for the issuance of such permits; to provide for a maximum fee to be charged for such permits; to provide for authority to promulgate rules and regulations; to provide for a right to a hearing upon denial of such permit; to provide for effective dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 40 and Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to identification and regulation of motor vehicles and dimensions and weight of vehicles and loads, respectively, so as to provide for the regulation of vehicles towing other vehicles in certain instances; to provide for regulation by the Department of Public Safety of towing service providers operating on interstate highways subject to appropriation by the General Assembly; to provide for legislative intent; to provide for definitions; to require annual permits for the operation of towing service providers; to provide for power of the department to establish procedures for the issuance of such permits; to provide for a maximum fee to be charged for such permits; to provide for authority to promulgate rules and regulations; to provide for a civil monetary penalty; to provide for a right to a hearing upon denial of such permit; to provide for effective dates; to provide for automatic repeal on January 1, 2024; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to identification and regulation of motor vehicles, is amended by adding a new Code section to read as follows:

"40-1-9.

(a) As used in this Code section, the term:

(1) 'Commissioner' means the commissioner of public safety or the official designated by the commissioner pursuant to rules and regulations of the department.

(2) 'Department' means the Department of Public Safety.

(3) 'Permit' means an instrument of whatever character or nature, including, but not limited to, electronic format, issued by the department pursuant to this Code section.

(4) 'Towing service provider' means any person utilizing a vehicle to tow disabled, damaged, abandoned, or wrecked vehicles in exchange for a fee.

(b)(1) Subject to appropriation by the General Assembly, in order to promote safe towing practices by towing service providers in Georgia, the commissioner shall issue permits which allow towing service providers to operate on any portion of the Dwight D. Eisenhower System of Interstate and Defense Highways within this state for the duration of such permit; provided, however, that any such permit shall be in addition to and not in lieu of the ability of counties, municipalities, or consolidated governments to regulate towing service providers operating on any portion of state or local roads within such jurisdiction.

(2) Pursuant to this Code section, annual permits shall be issued to towing service provider applicants who demonstrate to the satisfaction of the commissioner that the applicant has completed an operator safety course that meets or exceeds the minimum safety training standards recognized and adopted by the Towing and Recovery Association of Georgia in effect as of February 21, 2016. Any towing service provider recognized by the Georgia Department of Transportation as a Towing and Recovery Incentive Program service provider shall satisfy the safety training requirements of this paragraph.

(3) Pursuant to this Code section, the commissioner may charge a fee for the issuance of such permits and may develop and adopt an apportionment schedule for fees to be established by rules and regulations promulgated by the commissioner. The fee for the issuance of a towing service provider permit shall be not more than \$85.00 per towing service provider operator.

(c) A copy of such permit and all other documentation required by the commissioner shall be carried by the towing service provider operator and shall be open to inspection by any law enforcement officer, employee of the department who has been given enforcement authority by the commissioner, or any law enforcement officer acting within the scope of his or her authority.

(d) The commissioner is authorized to promulgate reasonable rules and regulations which are necessary or desirable in governing the issuance of permits, including the timeline for compliance, provided that such rules and regulations are not in conflict with other provisions of law. The commissioner is authorized to issue such orders,

authorizations, and modification thereof as necessary to implement this Code section. A court shall take judicial notice of all rules, regulations, and orders promulgated and issued by the department pursuant to this Code section.

(e) Any person violating this Code section or any rule or regulation issued by the department shall be liable for a civil monetary penalty of \$500.00. A civil penalty under this subsection may be imposed by the department only after notice and hearing. Such penalty may be collected by the department in the manner provided in Code Section 9-11-69 for the enforcement of money judgments.

(f)(1) For just cause, including, but not limited to, repeated and consistent past violations of this Code section, the commissioner may refuse to issue or may cancel, suspend, or revoke the towing service provider permit of an applicant or permittee.

(2) Within 30 days after any denial or cancellation of a towing service provider permit granted pursuant to this Code section, the applicant or permit holder may appeal a denial or cancellation by requesting a hearing before the commissioner in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commissioner shall notify an applicant or permit holder in writing of the denial or cancellation by registered or certified mail or statutory overnight delivery to the last known address of the applicant or permit holder appearing in the commissioner's files or by personal service upon the applicant or permit holder by an authorized agent of the commissioner.

(3) An appeal hearing provided for by this paragraph shall be conducted no more than 60 days from the date which the appeal was requested. Further, if the appellant towing service provider's permit has not expired, the permit holder shall be allowed to continue to operate under the terms of the original permit until such time that the appeal is decided or the original permit expires, whichever occurs first.

(g) The commissioner is authorized to employ such persons as may be necessary, in the discretion of the commissioner, for the proper enforcement of this Code section, as provided for in this Code section and Chapter 2 of Title 35.

(h) This Code section shall stand repealed on January 1, 2024."

SECTION 2.

This Act shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval for purposes of promulgating rules and regulations and shall become effective on January 1, 2017, for all other purposes.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Coomer of the 14th and Harrell of the 106th offer the following amendment:

Amend the House Committee on Transportation substitute to HB 973 (LC 39 1358S) by replacing "2024" with "2021" on line 12.

By deleting lines 60 through 64 and inserting in lieu thereof the following:

(e) Any person violating this Code section shall be guilty of a misdemeanor.

By replacing "2024" with "2021" on line 84.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	N Dollar	Y Howard	E Peake	N Stover
N Bentley	Y Douglas	Y Hugley	N Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	N Dudgeon	N Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	N Tarvin
N Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
Y Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	N Quick	Thomas, E
Y Buckner	Y England	N Kelley	N Raffensperger	N Trammell
Y Burns	Y Epps	Y Kendrick	N Rakestraw	N Turner
N Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
N Caldwell, M	Y Fleming	N Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
N Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
N Cheokas	Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	Y Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 130, nays 30.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 795. By Representatives Epps of the 144th, Greene of the 151st, Tanner of the 9th, Hitchens of the 161st, Jasperse of the 11th and others:

A BILL to be entitled an Act to amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, so as to transfer such commission from the Department of Driver Services to the Governor's Office of Highway Safety; to extend the sunset applicable to penalties for violations of traffic laws or ordinances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, so as to transfer such commission from the Department of Driver Services to the Governor's Office of Highway Safety; to provide for a purpose of such commission; to provide for limitations on the disbursement of funds for driver education and training; to extend the sunset applicable to penalties for violations of traffic laws or ordinances; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a limitation upon the issuance of grants to secondary public schools for the provision of driver education training courses and programs; to provide for conditions and limitations upon the provision of driver education and training by institutions within the Technical College System of Georgia; to require certain action by the Department of Driver Services; to amend Code Section 43-13-10 of the Official Code of Georgia Annotated, relating to exceptions to chapter relative to driver training schools, so as to remove technical colleges from exceptions to such chapter; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, is amended by revising Code Section 15-21-172, relating to the establishment of such commission, as follows:

"15-21-172.

There is established the Georgia Driver's Education Commission, which is assigned to the ~~Department of Driver Services~~ Governor's Office of Highway Safety for administrative purposes only, as prescribed in Code Section 50-4-3."

SECTION 2.

Said article is further amended by revising Code Section 15-21-178, relating to disbursement of funds for driver education and training, as follows:

"15-21-178.

(a) The purpose of the commission shall be to provide funds for the promotion of driver's education programs in areas of the state where such services are not available by a private company. The commission may authorize the disbursement of available funds from moneys appropriated to the commission by the General Assembly for purposes of providing driver education and training programs consistent with the standards required by the Department of Driver Services under Chapter 5 of Title 40 to obtain a driver's license to a person, entity, or program eligible pursuant to criteria to be set by the commission, provided that:

(1) No disbursement shall be made to a secondary school receiving state funds and providing driver education programs when such services are provided by a private company within the geographic jurisdiction of the school district;

(2) No disbursement shall be made to a secondary school receiving state funds and providing driver education programs outside the geographic jurisdiction of the school district;

(3) No disbursement shall be made to a secondary school receiving state funds that provides driver education programs to a student not enrolled in the school; and

(4) No disbursement shall be made to any institution within the Technical College System of Georgia providing driver education programs when such services are provided by a private company within the county where a campus is located.

(b) The commission shall weigh the objective to promote driver education programs with the promotion of private business when authorizing the disbursement of available funds.

(c) Nothing in this Code section shall be construed to limit the authority of the Department of Driver Services under Chapter 13 of Title 43, 'The Driver Training School and Commercial Driver Training School License Act.'"

SECTION 3.

Said article is further amended in Code Section 15-21-179, relating to additional penalty for violation of traffic laws or ordinances, by revising subsection (c) as follows:

"(c) This Code section shall be repealed in its entirety on ~~June 30, 2016~~ June 30, 2019, unless extended by an Act of the General Assembly."

SECTION 4.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-257, relating to grants for driver education courses for secondary school students, as follows:

"20-2-257.

The State Board of Education shall provide public secondary schools and local school systems with grants, subject to appropriation by the General Assembly and pursuant to applications made at the discretion of such systems. The purpose of such grants shall be to support motor vehicle driver education courses and programs for secondary school students. The amount of such grants shall be reflective of the most recent counts of age 15, 16, and 17 year old secondary school students in the public schools or local school systems. No grant shall be awarded to a public school which provides driver education courses or programs to students not enrolled in such school. The public schools or local school systems receiving such grants may expend these funds only for purposes of providing driver education courses or programs to secondary school students. Such courses or programs may be provided directly by the local school system or by contract with a private driver education school licensed by the Department of Driver Services. Such grants shall be supplemental to any other provision of state funds for such driver education courses or programs. The state board shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this Code section."

SECTION 5.

Said title is further amended by adding a new Code section to read as follows:

"20-4-18.1.

(a) Any driver education program offered by an institution within the Technical College System of Georgia shall be conducted by a driver training school licensed pursuant to Chapter 13 of Title 43, 'The Driver Training School and Commercial Driver Training School License Act,' which has provided such program to an educational institution for at least five years.

(b) Prior to entering into an agreement with a licensed driver training school for the provision of driver education, an institution within the Technical College System of Georgia shall verify that such licensed driver training school has the resources and capacity to operate a driver education program."

SECTION 6.

Code Section 43-13-10 of the Official Code of Georgia Annotated, relating to exceptions to chapter relative to driver training schools, is amended by revising subsection (a) as follows:

"(a) This chapter shall not apply to a college which is not a technical college conducting a driver or commercial driver training course; nor shall it apply to driver improvement schools operated by the state or by a county or municipality."

SECTION 7.

This Act shall become effective on July 1, 2016.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representatives McCall of the 33rd and Meadows of the 5th offer the following amendment:

Amend the committee substitute to HB 795 (LC 39 1364S) by replacing lines 1 through 98 with the following:

To amend Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, so as to transfer such commission from the Department of Driver Services to the Governor's Office of Highway Safety; to extend the sunset applicable to penalties for violations of traffic laws or ordinances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 10 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the Georgia Driver's Education Commission, is amended by revising Code Section 15-21-172, relating to the establishment of such commission, as follows:

"15-21-172.

There is established the Georgia Driver's Education Commission, which is assigned to the ~~Department of Driver Services~~ Governor's Office of Highway Safety for administrative purposes only, as prescribed in Code Section 50-4-3."

SECTION 2.

Said article is further amended in Code Section 15-21-179, relating to additional penalty for violation of traffic laws or ordinances, by revising subsection (c) as follows:

"(c) This Code section shall be repealed in its entirety on ~~June 30, 2016~~ June 30, 2019, unless extended by an Act of the General Assembly."

SECTION 3.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	E Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
N Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	N Powell, A	N Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	N Prince	Y Teasley
Y Bruce	Y Efstraction	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	Rakestraw	E Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	N Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 144, nays 8.

The amendment was adopted.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M

Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	Y Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	E Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
N Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	N Powell, A	N Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	Rakestraw	E Turner
Y Caldwell, J	Y Evans	Y Kidd	Y Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
E Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 148, nays 4.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 991. By Representatives Hitchens of the 161st, Powell of the 171st and Williamson of the 115th:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to change certain definitions regarding such taxation; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county taxation, so as to provide that a tax collector or tax commissioner shall waive the collection of penalties and interest incurred upon default that occurred due to a taxpayer's military service in a combat zone if the taxpayer pays the underlying tax liability within 60 days of the end of such military service; to provide a short title; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Returning Heroes Act."

SECTION 2.

Article 4 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county taxation, is amended by adding a new Code section to read as follows:

"48-5-243.

The tax collector or tax commissioner shall waive the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, if:

(1) The tax collector or tax commissioner determines that the default giving rise to such penalty or interest was due to a taxpayer's military service in the armed forces of the United States in an area designated by the President of the United States by executive order as a combat zone and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law; and

(2) The taxpayer makes full payment of taxes due, not including penalties and interest, within 60 days of such taxpayer's return from such military service."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Y Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R

E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	E Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	Y Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	Rakestraw	E Turner
Y Caldwell, J	Y Evans	Y Kidd	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRicca	Y Rhodes	Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 149, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 951. By Representatives Nimmer of the 178th, Powell of the 171st, Abrams of the 89th, Dickey of the 140th, Smyre of the 135th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, so as to create a new exemption for admissions to major sporting events; to provide a definition; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, so as to provide for a back-to-school sales tax holiday; to provide for a sales tax holiday for certain energy efficient products; to create a new exemption for admissions to major sporting events; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for automatic repeal; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use taxes, is amended by revising subparagraph (A) of paragraphs (75) and (82) and by deleting "or" at the end of paragraph (95), by deleting the period and adding "; or" at the end of paragraph (96), and by adding a new paragraph to read as follows:

"(75)(A) The sale of eligible property. The exemption provided by this paragraph applies only to sales occurring during ~~periods~~:

~~(i) Commencing the period commencing at 12:01 A.M. on August 1, 2014 July 30, 2016, and concluding at 12:00 Midnight on August 2, 2014; and July 31, 2016.~~

~~(ii) Commencing at 12:01 A.M. on July 31, 2015, and concluding at 12:00 Midnight on August 1, 2015."~~

"(82)(A) Purchase of Energy Star Qualified Products or WaterSense Products with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use. The exemption provided by this paragraph shall apply only to sales:

~~(i) Commencing occurring during the period commencing at 12:01 A.M. on October 3, 2014 September 30, 2016, and concluding at 12:00 Midnight on October 5, 2014; and October 2, 2016.~~

~~(ii) Commencing at 12:01 A.M. on October 2, 2015, and concluding at 12:00 Midnight on October 4, 2015."~~

"(97)(A) Sales of admissions to nonrecurring major sporting events in this state expected to generate over \$50 million in the host locality.

(B) As used in this paragraph, the term 'major sporting event' means the National Football League championship game; any semifinal game or championship game of a national collegiate tournament; a Major League Baseball, Major League Soccer, or National Basketball Association all-star game; or any other nonrecurring major sporting event determined by the commissioner of economic development and the state revenue commissioner to be a major sporting event.

(C) As used in this paragraph, the term 'nonrecurring' means not occurring in this state more than once every three years.

(D) The revenue projections for purposes of this paragraph shall include, but not be limited to, lodging, meals, vehicle rentals, and admissions to tourist attractions.

(E) Determinations made under this paragraph by the commissioners on or after the effective date of this paragraph shall be made prior to the date of the convening of the General Assembly immediately preceding the awarding of the sales tax exemption for a major sporting event. Such a determination shall become effective either 30 days prior to the major sporting event or on the first fiscal day of the fiscal year immediately following a year during which such determination was made, whichever is earlier. Such a determination may be rendered null and void by a joint resolution passed by both chambers of the General Assembly. In the event that the presiding officers of the General Assembly, in their discretion, choose to introduce such a joint resolution, a special committee in each respective chamber of the General Assembly will be appointed by the presiding officers of both chambers of the General Assembly for the purpose of considering such a joint resolution, subject to the rules of both respective chambers.

(F) This paragraph shall stand automatically repealed on December 31, 2022; provided, however, that this repeal shall not apply to any event for which an application has been submitted prior to December 31, 2022."

SECTION 2.

This Act shall become effective on July 1, 2016, and shall be applicable to admissions purchased on or after January 1, 2017. This Act shall only apply to events secured on or after the effective date of this Act.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Ehrhart of the 36th was excused from voting on HB 951.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	E Harrell	Y Mitchell	Y Smith, L
E Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
N Barr	Y Deffenbaugh	E Hightower	Y Nix	N Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	E Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson

E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	Y Strickland
Y Benton	Y Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	N Dudgeon	N Jasperse	N Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	E Powell, A	N Tarvin
N Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Ehrhart	Y Kaiser	N Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	N Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	N Rakestraw	N Turner
N Caldwell, J	Y Evans	Y Kidd	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	Y Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	N Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
N Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	N Gilligan	Y Martin	Y Rynders	Y Williams, A
Y Cheokas	E Glanton	N Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	N Setzler	E Williams, E
N Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	N Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 127, nays 22.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 952. By Representatives Nimmer of the 178th, Dickey of the 140th, Rogers of the 10th, Coomer of the 14th and Carter of the 175th:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating professions and businesses, so as to enact the "Georgia Professional Regulation Reform Act"; to provide for executive oversight of licensing boards; to establish state policy for the regulation of certain professions and businesses; to provide for legislative intent; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating professions and businesses, so as to enact the "Georgia Professional Regulation Reform Act"; to provide for state oversight of licensing boards; to establish state policy for the regulation of certain professions and businesses; to provide for legislative findings; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to read as follows:

"CHAPTER 1C

43-1C-1.

This chapter shall be known and may be cited as the 'Georgia Professional Regulation Reform Act.'

43-1C-2.

The General Assembly finds, determines, and declares that:

(1) In *N.C. State Bd. of Dental Exam'rs v. FTC*, 135 S. Ct. 1101 (2015), the Supreme Court of the United States established a new standard for determining whether state professional licensing boards and board members are entitled to immunity for federal antitrust violations. Pursuant to *N.C. State Bd. of Dental Exam'rs*, state professional licensing boards and board members are entitled to antitrust immunity only if:

(A) Their anticompetitive conduct is consistent with "clearly articulated" state policy; and

(B) The state provides "active supervision" of their conduct.

(2) It is the policy of the State of Georgia to increase economic opportunities for all of its citizens by promoting competition and thereby encouraging innovation and job growth. It is therefore also the policy of the State of Georgia to displace competition only when necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

(3) By establishing the policies and procedures of this chapter, the General Assembly intends to ensure that the state's professional licensing boards and board members are entitled to antitrust immunity and that state laws relating to professions and businesses are interpreted and enforced in a manner consistent with clearly articulated state policy.

43-1C-3.

As used in this chapter, the term:

(1) 'Professional licensing board' means any board, commission, or other agency of the executive branch of state government which is created for the purpose of licensing or otherwise regulating or controlling any profession, business, or trade, including all boards, commissions, or other agencies established pursuant to this title or Chapter 4 of Title 26; provided, however, that such term shall not include the State Bar of Georgia.

(2) 'Rule' means a regulation, standard, or statement of general applicability, whether formal or informal, that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of any professional licensing board. Such term shall include the amendment or repeal of a prior rule but shall not include statements of policy or interpretation made as part of a decision in a contested case.

43-1C-4.

(a) The Secretary of State shall have the authority and duty to actively supervise the professional licensing boards of this state to ensure that their actions are consistent with clearly articulated state policy and shall therefore have the authority and duty to:

(1) Review and, in writing, approve or veto any rule before it is filed in the office of the Secretary of State if such rule is required to be filed in the office of the Secretary of State by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' or before such rule becomes effective, if filing is not required;

(2) Review and, in writing, approve or veto any rule that is:

(A) Challenged via an appeal to the Secretary of State after the denial of a petition filed pursuant to Code Section 50-13-9; or

(B) Submitted by a professional licensing board for review by the Secretary of State;

(3) Review and, in writing, approve, remand, modify, or reverse any action by a professional licensing board that is:

(A) Challenged via an appeal to the Secretary of State; or

(B) Submitted by a professional licensing board for review by the Secretary of State; and

(4) Promulgate any regulations necessary to effectuate the provisions of this chapter, including regulations relating to the process, procedures, and timelines that will govern any appeal or submission filed in accordance with this Code section.

(b) Any review undertaken by the Secretary of State pursuant to subsection (a) of this Code section shall be fully completed within 90 days.

(c) Nothing in this Code section shall be interpreted to subject the Secretary of State to any of the administrative procedures of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M
Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	Y Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	E Powell, A	N Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
N Broadrick	E Duncan	E Jones, L	Y Price	Y Taylor, T
E Brockway	Y Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstoration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	N Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	E Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccica	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
Y Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
Y Coleman	Y Greene	Y Meadows	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 145, nays 3.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Bill of the House, having previously been read, was again taken up for consideration:

HB 781. By Representatives Raffensperger of the 50th, Rynders of the 152nd, Jones of the 167th, Taylor of the 173rd, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens; to provide for other residency requirements; to provide for a definition; to provide for enforcement; to provide an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens or nationals or lawful permanent residents; to provide for other residency requirements; to provide for other qualifications; to provide for exceptions; to provide for definitions; to provide for enforcement; to provide an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, is amended by revising Code Section 36-80-1, which is designated as reserved, as follows:

"36-80-1.

(a) As used in this Code section, the term:

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration

laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Local governing body' means any political subdivision of this state, including any county, consolidated government, municipality, or other local public body corporate, governmental unit, or political subdivision.

(3) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on an authority, school district, commission, council, or board for a local governing body which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges unless:

(1)(A) He or she is a citizen or national of the United States or a lawful permanent resident; and

(B) He or she is a legal resident of the State of Georgia; provided, however, that an individual who resides in another state in a county of such state that abuts the State of Georgia and who is the owner of a business in the State of Georgia of which such individual exercises day-to-day executive or operational control shall be eligible. As used in this paragraph, the term 'owner' means the direct or indirect ownership of more than 50 percent of the assets or stock of a business; or

(2) He or she is an active duty member of the armed forces of the United States or an immediate family member of such person.

(c) It shall be the duty of the appointing official or body to ensure compliance with this Code section. Reserved."

SECTION 2.

Article 1 of Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions regarding eligibility and qualifications for public office, is amended by adding a new Code section to read as follows:

"45-2-10.

(a) As used in this Code section, the term:

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, in addition to all other qualifications to be appointed to serve on any municipal or county board, commission, or authority which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges, an individual shall be:

- (1)(A) A citizen or national of the United States or a lawful permanent resident; and
(B) A legal resident of the State of Georgia; provided, however, that an individual who resides in another state in a county of such state that abuts the State of Georgia and who is the owner of a business in the State of Georgia of which such individual exercises day-to-day executive or operational control shall be eligible. As used in this paragraph, the term 'owner' means the direct or indirect ownership of more than 50 percent of the assets or stock of a business; or
(2) He or she is an active duty member of the armed forces of the United States or an immediate family member of such person.
(c) Except for ex officio, nonvoting members, in addition to all other qualifications to be appointed to serve on any state authority, board, council, or commission which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges, an individual shall be a citizen or national of the United States or a lawful permanent resident, and a legal resident of this state."

SECTION 3.

Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relating to state government, is amended by adding a new Code section to read as follows:

"50-1-10.

(a) As used in this Code section, the term:

(1) 'Lawful permanent resident' means a person who is not a United States citizen but who has the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws of the United States, and such status has not been revoked or found administratively or judicially to have been abandoned.

(2) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on a state authority, board, council, or commission which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges unless he or she:

(1) Is a citizen or national of the United States or a lawful permanent resident, and a legal resident of this state; or

(2) Is an active duty member of the armed forces of the United States or an immediate family member of such person.

It shall be the duty of the appointing official or body to ensure compliance with this Code section."

SECTION 4.

This Act shall become effective on July 1, 2016, and shall apply to appointments made on or after such date.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Taylor of the 79th was excused from voting on HB 781.

The following amendment was read:

Representative Willard of the 51st moves to amend the committee substitute to HB 781 as follows:

1. Line 29; insert "elected or",
before "appointed".
2. Line 73; insert "elected or",
before "appointed".
3. Line 91; insert "elected or",
before "appointed".

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	N Harden	Y Metze	Y Smith, E
Y Alexander	N Coomer	N Harrell	Y Mitchell	N Smith, L
E Allison	Cooper	N Hatchett	N Morris	Y Smith, M
N Atwood	N Corbett	N Hawkins	Y Mosby	N Smith, R
E Ballinger	Y Dawkins-Haigler	E Henson	N Nimmer	Y Smyre
N Barr	N Deffenbaugh	E Hightower	N Nix	N Spencer
N Battles	N Dempsey	N Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
N Belton	N Dickey	N Holmes	Y Parrish	Y Stephenson
E Bennett, K	N Dickson	N Houston	N Parsons	Y Stovall
Y Bennett, T	N Dollar	Y Howard	E Peake	N Stover
Y Bentley	Y Douglas	Y Hugley	N Petrea	N Strickland
N Benton	E Drenner	E Jackson	E Pezold	N Tankersley
N Beskin	N Dudgeon	N Jasperse	N Pirkle	N Tanner
Y Beverly	Y Dukes	N Jones, J	E Powell, A	N Tarvin
N Blackmon	E Dunahoo	N Jones, J.B.	N Powell, J	E Taylor, D
N Broadrick	E Duncan	N Jones, L	N Price	Taylor, T
E Brockway	Ealum	Y Jones, S	Y Prince	N Teasley
Y Bruce	N Efstration	E Jordan	N Pruett	Y Thomas, A.M.
E Bryant	N Ehrhart	Y Kaiser	N Quick	E Thomas, E
Y Buckner	N England	N Kelley	N Raffensperger	Y Trammell
N Burns	N Epps	E Kendrick	N Rakestraw	N Turner
N Caldwell, J	Y Evans	N Kidd	E Ramsey	Y Waites
N Caldwell, M	N Fleming	Kirby	Y Randall	N Watson
E Cannon	E Floyd	N Knight	E Reeves	N Welch
N Cantrell	Y Fludd	N LaRiccia	N Rhodes	N Weldon

N Carson	Y Frazier	N Lott	N Rice	N Werkheiser
E Carter, A	Y Frye	N Lumsden	N Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Rogers, T	E Wilkinson
N Casas	N Gasaway	E Marin	N Rutledge	Y Willard
N Chandler	N Gilligan	N Martin	N Rynders	Y Williams, A
N Cheokas	E Glanton	N Maxwell	Y Scott	N Williams, C
E Clark, D	N Golick	Y Mayo	N Setzler	E Williams, E
N Clark, H	Y Gordon	N McCall	N Sharper	N Williamson
N Clark, V	N Gravley	Y McClain	N Shaw	N Yates
E Coleman	N Greene	Meadows	E Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 49, nays 93.

The amendment was lost.

The following amendment was read:

Representatives Oliver of the 82nd and Abrams of the 89th move to amend the committee substitute to HB 781 as follows:

Page 2, line 31
after "levies taxes"
strike "or" and
insert "and" in lieu thereof.

The following amendment was read:

Representative Ehrhart of the 36th et al. move to amend the Oliver amendment as follows:

On page 2 line 31
Replace "and" with "or Assesses,".

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

N Abrams	E Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	Y Smith, L
E Allison	Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
E Ballinger	N Dawkins-Haigler	E Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	N Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	N Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland

Y Benton	E Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	E Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	N Jones, L	Y Price	Taylor, T
E Brockway	Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstoration	E Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	E Thomas, E
N Buckner	Y England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	E Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	N Kidd	E Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
E Cannon	E Floyd	Y Knight	E Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Rogers, T	E Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	Y Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	E Glanton	Y Maxwell	N Scott	Y Williams, C
E Clark, D	Y Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
E Coleman	Y Greene	Y Meadows	E Sims	Ralston, Speaker

On the adoption of the amendment, the ayes were 95, nays 48.

The amendment was adopted.

The Oliver amendment, as amended, was adopted.

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abrams	E Cooke	Y Harden	N Metze	N Smith, E
N Alexander	Y Coomer	Y Harrell	N Mitchell	Y Smith, L
E Allison	Cooper	Y Hatchett	Y Morris	N Smith, M
Y Atwood	Y Corbett	Y Hawkins	N Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	N Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	N Oliver	N Stephens, M
N Beasley-Teague	N Dickerson	N Holcomb	N Pak	N Stephens, R
Y Belton	Y Dickey	Y Holmes	N Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	N Stovall
N Bennett, T	Y Dollar	N Howard	E Peake	Y Stover
N Bentley	N Douglas	N Hugley	Y Petrea	Y Strickland

Y Benton	E Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Y Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
N Beverly	N Dukes	Y Jones, J	E Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	N Jones, L	N Price	Taylor, T
E Brockway	Ealum	N Jones, S	N Prince	Y Teasley
N Bruce	Y Efstration	E Jordan	Y Pruett	N Thomas, A.M.
E Bryant	Y Ehrhart	N Kaiser	Y Quick	E Thomas, E
N Buckner	Y England	Y Kelley	Y Raffensperger	N Trammell
Y Burns	Y Epps	E Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	N Evans	N Kidd	E Ramsey	N Waites
Y Caldwell, M	Y Fleming	Y Kirby	N Randall	Y Watson
E Cannon	E Floyd	Y Knight	E Reeves	Y Welch
Y Cantrell	N Fludd	Y LaRiccía	Y Rhodes	Y Weldon
Y Carson	N Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	N Frye	Y Lumsden	Y Rogers, C	N Wilkerson
N Carter, D	N Gardner	N Mabra	Y Rogers, T	E Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	E Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	E Glanton	Y Maxwell	N Scott	N Williams, C
E Clark, D	Y Golick	N Mayo	Y Setzler	E Williams, E
Y Clark, H	N Gordon	Y McCall	N Sharper	Y Williamson
Y Clark, V	Y Gravley	N McClain	Y Shaw	Y Yates
E Coleman	Y Greene	Y Meadows	E Sims	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 93, nays 50.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

HB 1072. By Representatives Coomer of the 14th, Abrams of the 89th, Rogers of the 29th, Blackmon of the 146th, Harden of the 148th and others:

A BILL to be entitled an Act to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to service cancelable loan fund and authorized types of service cancelable educational loans financed by state funds and issued by the Georgia Student Finance Authority, so as to remove ineligibility for such loans for members of the Georgia National Guard also receiving HOPE scholarship or HOPE grant funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	E Cooke	Y Harden	Y Metze	Y Smith, E
Y Alexander	Y Coomer	Y Harrell	Y Mitchell	Y Smith, L
E Allison	Cooper	Y Hatchett	Y Morris	Y Smith, M

Y Atwood	Y Corbett	Y Hawkins	Y Mosby	Y Smith, R
E Ballinger	Y Dawkins-Haigler	E Henson	Y Nimmer	Y Smyre
Y Barr	Y Deffenbaugh	E Hightower	Y Nix	Y Spencer
Y Battles	Y Dempsey	Y Hitchens	Y Oliver	Y Stephens, M
Y Beasley-Teague	Y Dickerson	Y Holcomb	Y Pak	Y Stephens, R
Y Belton	Y Dickey	Y Holmes	Y Parrish	Y Stephenson
E Bennett, K	Y Dickson	Y Houston	Y Parsons	Y Stovall
Y Bennett, T	Y Dollar	Y Howard	E Peake	Y Stover
Y Bentley	Y Douglas	Y Hugley	Y Petrea	Y Strickland
Y Benton	E Drenner	E Jackson	E Pezold	Y Tankersley
Y Beskin	Dudgeon	Y Jasperse	Y Pirkle	Y Tanner
Y Beverly	Y Dukes	Y Jones, J	E Powell, A	Y Tarvin
Y Blackmon	E Dunahoo	Y Jones, J.B.	Y Powell, J	E Taylor, D
Y Broadrick	E Duncan	Y Jones, L	Y Price	Y Taylor, T
E Brockway	Ealum	Y Jones, S	Y Prince	Y Teasley
Y Bruce	Y Efstration	E Jordan	Y Pruett	Y Thomas, A.M.
E Bryant	Y Ehrhart	Y Kaiser	Y Quick	E Thomas, E
Y Buckner	Y England	Y Kelley	Y Raffensperger	Y Trammell
Y Burns	Y Epps	E Kendrick	Y Rakestraw	Y Turner
Y Caldwell, J	Y Evans	Y Kidd	E Ramsey	Y Waites
Y Caldwell, M	Y Fleming	Y Kirby	Y Randall	Y Watson
E Cannon	E Floyd	Y Knight	E Reeves	Y Welch
Y Cantrell	Y Fludd	Y LaRiccia	Y Rhodes	Y Weldon
Y Carson	Y Frazier	Y Lott	Y Rice	Y Werkheiser
E Carter, A	Y Frye	Y Lumsden	Y Rogers, C	Y Wilkerson
Y Carter, D	Y Gardner	Y Mabra	Y Rogers, T	Y Wilkinson
Y Casas	Y Gasaway	E Marin	Y Rutledge	E Willard
Y Chandler	Y Gilligan	Y Martin	Y Rynders	Williams, A
Y Cheokas	E Glanton	Y Maxwell	Y Scott	Y Williams, C
E Clark, D	Y Golick	Y Mayo	Y Setzler	E Williams, E
Y Clark, H	Y Gordon	Y McCall	Y Sharper	Y Williamson
Y Clark, V	Y Gravley	Y McClain	Y Shaw	Y Yates
E Coleman	Y Greene	Y Meadows	E Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 144, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Parsons of the 44th District, Chairman of the Committee on Energy, Utilities, and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Energy, Utilities, and Telecommunications has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1096 Do Pass

Respectfully submitted,
/s/ Parsons of the 44th
Chairman

Representative Weldon of the 3rd District, Chairman of the Committee on Juvenile Justice, submitted the following report:

Mr. Speaker:

Your Committee on Juvenile Justice has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 999 Do Pass

Respectfully submitted,
/s/ Weldon of the 3rd
Chairman

Representative Powell of the 171st District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 285 Do Pass, by Substitute
HB 365 Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 171st
Chairman

Representative Burns of the 159th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, February 29, 2016, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, February 29, 2016.